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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 6, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2)

   CONFERENCE WITH LEGAL COUNSEL
   ANTICIPATED LITIGATION: AS DEFENDANT
   Threatened litigation against the City relating to Department General Order 3.10, "Firearm Discharge Review Board"

OPEN SESSION
Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a))

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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The Commission may decide to consider Item Nos. 6 to 7, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussion held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

6. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Sergeant Jeffrey Barry (File No. C04-062 JWA) (ACTION ITEM)

7. Hearing on the disciplinary charges filed against Patrol Special Officer Calvin C. Wiley (File No. H04-057 JWA), discussion and possible action to dispose of the charges (ACTION ITEM)

8. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

9. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of First Quarter Early Warning Report

10. Discussion on proposed revisions to Department General Order 3.19, "Early Intervention System" (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 6, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

11. Approval of minutes for the Police Commission meeting of March 9, 2005 (ACTION ITEM)

12. Commission Announcements (DISCUSSION ONLY)

    a. Assignment of disciplinary charges filed against Officer Michael K. Turkington (File No. C04-224 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

    b. Assignment of disciplinary charges filed against Officer Arkady Zlobinsky (File No. C04-223 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

13. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Bayview District at the Southeast Community Facility, Alex L. Pitcher, Jr. Community Room, 1800 Oakdale Avenue, San Francisco, at 6:00 p.m., on Wednesday, July 27, 2005, to hear comments from the public and Bayview Station Captain Rick Bruce concerning public protections issues in the Bayview District.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

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The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

JULY 6, 2005 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:41 p.m., in Closed Session.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Sparks, Marshall, Veronese
ABSENT: Commissioner Renne

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))(2)

Motion by Commissioner Keane, second by Commissioner Marshall to hold the Closed Session. Approved 6-0.

FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(2) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B) AND SAN

CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION: AS DEFENDANT
Threatened litigation against the City relating to Department General Order 3.10, "Firearm Discharge Review Board"

JULY 6, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Sparks, Marshall, Veronese
ABSENT: Commissioner Renne

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Keane, second by Commissioner Marshall for non disclosure. Approved 6-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Taken out of order

Chief Fong presented Certificates of Appreciation to three individuals. Captain Cashman and Inspector Jennifer Forrester were also present. The three individuals were Mr. Halloran Wesley, Mr. Matt Melword, and Sgt. Austin King from the U.S. Park Police for their help in the rescue of two individuals whose sailboat has capsized.

PUBLIC COMMENT

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Lorraine Altamirano discussed concerns regarding the Detoy investigation.

David Pilpel discussed concerns regarding minutes of meetings.

Meesha Monge Irizarry discussed concerns regarding the shooting of Gus Rugley.

Reuben David Goodman asked for the help of SFPD in regards to a night clerk at the Empress Hotel.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST SERGEANT JEFFREY BARRY (FILE NO. C04-062 JWA)

The hearing in the matter of Sergeant Jeffrey A. Barry, Star No. 2093, Taraval, was called it having been set for this date. Sergeant Barry was charged, in a properly verified complaint by Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Engaging in conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Jeffrey A. Barry appeared in person and was represented by Mr. Steve Johnson.

Sergeant Barry admitted to the truth of the allegations contained in Specification No. 1 and accepted responsibility for his actions.

Based on Sergeant Barry's admissions, the Commission approved the recommendation from Chief of Police Heather J. Fong.

Chief of Police Heather Fong recommended that Sergeant Jeffrey A. Barry be suspended for forty-five (45) days and shall participate in the Department's General Order 11.11 program for a period of three (3) years and said suspension shall commence on the date upon which this agreement is fully executed by the parties and approved by the Commission or upon his return from disability, whichever comes first.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 45-05

DECISION – HEARING OF SERGEANT JEFFREY A. BARRY, STAR NO. 2093 (FILE NO. C04-062 JWA)

WHEREAS, on July 19, 2004, Heather J. Fong, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Jeffrey A. Barry, as follows:

SPECIFICATION NO. 1

Engaging in conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco

Police Department).

(1) At all time herein mentioned Jeffrey A. Barry, Star Number 2093, (referred to as "the accused") was a police officer holding a rank of Sergeant, employed by the San Francisco Police Department, assigned to the Field Operations Bureau, Taraval Station.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On January 29, 2003, at 0153 hours, a California Highway Patrol Officer (CHP Officer) was riding in a marked Highway Patrol vehicle traveling northbound on U.S. Highway 101 in San Francisco City and County, just North of the Marina Boulevard-Lombard Street split. The driver of the CHP vehicle noticed a northbound automobile stopped on the Marina on-ramp. The driver performed a u-turn with the CHP vehicle which was now heading southbound and returned in the direction of the stopped vehicle. As the CHP vehicle approached the stopped vehicle (the accused's vehicle), it began moving slowly and picked up speed as it passed the CHP vehicle traveling northbound. The CHP vehicle made another u-turn to follow the accused's vehicle which was observed to be traveling at a high rate of speed estimated at 67-70 miles per hour. The accused continued northbound on U.S. Highway 101 and then exited on the 19th Avenue-Park Presidio exit to southbound California Highway 1 (19th Avenue).

(4) The CHP Officers followed the accused southbound on California Highway 1 at high speeds, (between 65 and 85 miles per hour in a posted 45 mile per hour zone.) The CHP driver activated the emergency lights to signal the accused to pull over. The accused complied and drove his car around the corner at 19th Avenue onto Lake Street.

(5) The CHP Officer observed the objective signs of intoxicated while talking to the accused and attempted to administer a field sobriety test. The accused did not attempt the filed sobriety tests and based on the objective symptoms and the accused's admission that he had "two beers," on January 29, 2003, at 0153 hours, the CHP Officer arrested the accused for violating California Vehicle Code §23152(a). After the accused was arrested, at the scene of the arrest, the CHP Officer admonished the accused regarding mandatory testing and the accused chose to take a breath test. Officer No. 2 transported the accused to the offices of the United States Park Police in the Presidio of San Francisco for the test.

(6) On January 29, 2003, at 0235 hours, at the United States Park Police Office, the CHP Officer conducted the breath test using an Intoxilyzer machine. The results of the two Intoxilyzer tests indicated that the accused's blood alcohol level at the time was 0.102 and 0.096 percent of blood alcohol by weight. Later that day the CHP Officer arrested the accused for violating California Vehicle Code §23152(b).

(7) California Vehicle Code §§23152(a) and (b), state:

"*§23152. DRIVING UNDER THE INFLUENCE.*
(a) it is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.
(b) It is unlawful for any person who has 0.018 percent or more, by weight, of alcohol in his or her blood to drive a vehicle ..."

(8) The accused engaged in conduct which, in a criminal context, violates the California Vehicle Code: by driving a motor vehicle while under the influence of alcoholic beverages which violates §23152(a); and driving with more than .08 of blood alcohol by weight which violates §23152(b); any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

"*MISCONDUCT.* Any breach of the peace, neglect of duty, misconduct or any conduct by a member either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on July 6, 2005 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant Jeffrey A. Barry's admissions, the Commission finds the allegation contained in Specification No. 1of the disciplinary charges as preferred by Chief of Police Heather J. Fong against Sergeant Jeffrey A. Barry are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that:

SPECIFICATION NO. 1: Sustained

and

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

That Sergeant Jeffrey A. Barry be suspended for forty-five (45) days and shall participate in the Department's General Order 11.11 program for a period of three (3) years and said suspension shall commence on the date upon which this agreement is fully executed by the parties and approved by the Commission or upon his return from disability, whichever comes first.

FURTHER RESOLVED, that said forty-five (45) days suspension imposed shall commence on August 29, 2005, at 0001 hours, and terminate on October 12, 2005, at 2359 hours.

Sergeant Jeffrey A. Barry is directed to make telephone contact with his commanding officer three (3) days before the end of this suspension for further directions regarding his return to duty. If he is unable to reach his commanding officer, he shall report to his unit at 0900 hours on the day his suspension ends.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure , §1094.6.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
NAYS: Commissioner Renne

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER CALVIN C. WILEY (FILE NO. H04-057 JWA), DISCUSSION AND POSSIBLE ACTION TO DISPOSE OF THE CHARGES

The hearing in the matter of Patrol Special Calvin C. Wiley, Badge No. 2684, Ingleside, was called it having been set for this date. Patrol Special Officer Wiley was charged in a properly verified complaint by Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Falsely representing to a member of the public that he is insured by the City for $5,000,000 (violation of Rule 3.17 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department);

SPECIFICATION NO. 2
Failure to provide a list of Assisting Patrol Special Officers to the Program Administrator; failure to provide a list of his clients to the Police Commission (violation of Rules 4.14 and 4.15 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department);

SPECIFICATION NO. 3
Failure to report on duty and off duty at Ingleside Station (violation of Rule 4.25 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department).

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Calvin C. Wiley appeared in person and was represented by Mr. Charles A. Bonner, Attorney at Law.

Closing statements were made by Mr. Akins and Mr. Bonner.

The Commission took the matter under submission, recessed, and returned with a finding of not sustained on Specification No.1 and a finding of sustained on Specification Nos. 2 & 3 filed against Patrol Special Officer Calvin C. Wiley.`

Based on these findings, the Commission requested a recommendation from Chief of Police Heather J. Fong. It is the recommendation of the Chief of Police that Patrol Special Officer Calvin C. Wiley receives a written reprimand and a one (1) year probationary period.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 46-05

DECISION – HEARING OF PATROL SPECIAL OFFICER CALVIN C. WILEY, BADGE NUMBER 2684 (FILE NO. H04-057 JWA)

WHEREAS, on May 5, 2004, Heather J. Fong, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Calvin C. Wiley, as follows:

SPECIFICATION NO. 1

Falsely representing to a member of the public that he is insured by the City for $5,000,000 (violation of Rule 3.17 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department);

(1) At all times herein mentioned, Calvin C. Wiley, Badge Number 2684, (hereinafter referred to as "the accused") was and is a Patrol Special Officer owning beat number 55, granted by the San Francisco Police Commission and operating within the Golden Gate Division of the Field Operations Bureau.

(2) As a Patrol Special Officer, and a beat owner, the accused was and is responsible for knowing and obeying the Rules and Procedures for Patrol Special Officers and their Assistants as well as the rules, orders and procedures of the San Francisco Police Department as they apply to the operation of his franchise.

(3) On February 17, 2004, the accused solicited a contract to provide security services to a client (the prospective client) in the Ingleside District. The prospective client called the Department Patrol Special Program Administrator (Program Administrator) to verify the limits of the accused's liability insurance then in force. The prospective client stated that her project required that the accused have a $1,000,000 liability insurance policy in force in order to contract for the accused's services. When the prospective client told the accused this, he assured her that not only did he have a $300,000 policy required by the Rules and Procedures for Patrol Special officers and their Assistants, but that the City Attorney and the Police Department insured him for an additional $5,000,000. The prospective client told the Program Administrator that based on the accused's assurance that he was covered by the $5,000,000 insurance policy he described, she hired the accused for what she described as "a very lucrative job" for the accused.

(4) On February 17, 2004, about twenty minutes after the phone call with the prospective client, the Program Administrator received a telephone call from the accused. The accused told the Program Administrator that he did in fact have an insurance policy from the city for $5,000,000 that was issued in 1998. The Program Administrator told the accused that she could not confirm the $5,000,000 policy to the prospective client until she had the chance to verify the existence herself. The accused became agitated and told the Program Administrator that if he did not get the job and loses money he will have to take action against the Program Administrator and the City.

(5) The prospective client faxed the Program Administrator a copy of the document upon which the accused based his claim to the $5,000,000 policy. The document was a copy of a rider attached to the accused's $300,000 insurance policy which made the City and County of San Francisco a named insured on that policy.

(6) After diligent search by the Program Administrator, the San Francisco City Attorney's Office and the City Department of Risk Management, there is no evidence of the City and County of San Francisco agreeing to insure Patrol Special Officers for $5,000,000 or any other amount. The representation that the City insures Patrol Special Officers violates Rule 3.17 of the Rules and Procedures for Patrol Special Officers and their Assistants.

(7) The accused, by representing to a prospective subscriber that the City and County of San Francisco insures Patrol Special Officers for

$5,000,000 over and above the $300,000 policy limits that Patrol Special Officers are required to carry, violated Rule 3.17 of the Rules and Procedures for Patrol Special Officers and their Assistants, which states:

"3.17 Liability
Patrol Specials shall not represent to their subscribers or potential subscribers that the City and County of San Francisco will provide a defense nor pay damages resulting from conduct of Patrol Specials or their employees undertaken on behalf of subscribers."

SPECIFICATION NO. 2
Failure to provide a list of Assisting Patrol Special Officers to the Program Administrator; failure to provide a list of his clients to the Police Commission (violation of Rules 4.14 and 4.15 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department);

(8) All of the allegations in paragraphs 1 through 6 of Specification No. 1 above are realleged and incorporated herein as though set forth in full.

(9) On February 19, 2004, the prospective client told the Program Administrator that the accused had started providing security at her property and that he had six assistants working with him at that site. The liaison officer searched the records at the Field Operations Bureau for the names of the Assistant Patrol Special Officers who work for the accused and the Patrol Special Officers who assist him in providing services on his beat. The accused had not provided the Department with the names of the Assistant Patrol Special Officers and the Patrol Special Officers he employs at that site or any other site.

(10) Rule 4.14 of the Rules and Procedures for Patrol Special Officers and their Assistants requires Patrol Special Officers to keep the department informed of the names of the Assistant Patrol Special Officers, and Patrol Special Officers who act as an assistant, they employ, and provides:

"4.14 RECORDS OF ASSISTANTS
Patrol Specials shall provide the Supervising Captain and the Program Administrator with the current names, addresses, and telephone numbers of all Assistant Patrol Specials they employ, as well as any Patrol Special Officers who act as their assistant. This information is confidential and will be used for official use only."

(11) The prospective client also told the Program Administrator that the accused has worked for her at the site for years, every day. The liaison officer searched the records at the San Francisco Police Commission offices for information concerning the accused's clients which he is required to reveal to the Commission. The accused had not filed a list of clients with the Commission.

(11) (sic) Rule 4.15 of the Rules and Procedures for Patrol Special Officers and their Assistants requires Patrol Special Officers to file a list of their clients with the Police Commission annually on January 31 of each year, and provides:

"4.15 RECORDS OF CLIENTS
Patrol Specials shall submit annually, and no later then (sic) January 31st of each year, a complete list of the clients on their beat to the Police Commission. Notification in writing shall be made to the Police Commission of any addition or deletions of subscribers within their beats. Notification shall be (sic) include the subscriber's name,

address, and telephone number. This information is confidential and will be used for official purposes only."

(12) The accused, by not listing his Assistant's names with the Program Administrator and by not listing his clients' names with the Police Commission, violated Rule 4.14 and 4.15 of the Rules and Procedures for Patrol Special Officers and their Assistants set out above.

SPECIFICATION NO. 3
Failure to report on duty and off duty at Ingleside Station (violation of Rule 4.25 of the Rules and Procedures for Patrol Special Officers and their Assistants of the San Francisco Police Department).

(13) All of the allegations in paragraphs 1 through 6 of Specification No. 1 and paragraphs 9 through 11 of Specification No. 2, above are realleged and incorporated herein as though set forth in full.

(14) On February 19, 2004, in a telephone conversation with the prospective client, the Program Administrator learned that the accused was already providing security at the property of the prospective client and was working as they spoke. The prospective client informed the Program Administrator that the accused had provided security every night, 365 days a year for some time.

(15) On February 19, 2004, the Program Administrator called Ingleside Station to determine if the accused had reported in and signed in at the station that day as required by the rules. The Sergeant at the station said that the accused had not signed the log and no one had seen him at the station that day. Later the Program Administrator searched the Ingleside Station Patrol Special Daily Sign-In Logs for the period covering January 1, 2003 through February 18, 2004. The accused had signed in on the log only eight (8) times.

(16) The accused, by failing to report on and off duty to the Platoon Commander of Ingleside Station and by failing to sign the Patrol Special Daily Sign-In Log, violated Rule 4.25 of the Rules and Procedures for Patrol Special Officers and their Assistants, which states:

"4.25 PROCEDURE FOR REPORTING ON AND OFF DUTY
Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated to allow a CAD entry to be made documenting their status. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the affected district(s) that they are on duty after making the initial notification in their primary district. This procedure will begin immediately following the Commission's adoption of these revised rules (7/98)."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on February 23, 2005 and on July 6, 2005, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the allegation contained in Specification No. 1 not sustained and Specification Nos. 2 and 3 of the disciplinary charges as preferred by Chief of Police Heather J. Fong against Patrol Special Officer Calvin J. Wiley are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that:

SPECIFICATION NO. 1:	Not Sustained
SPECIFICATION NO. 2:	Sustained
SPECIFICATION NO. 3:	Sustained

and

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

That Patrol Special Officer Calvin C. Wiley receive a written reprimand.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES:	Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT:	Commissioner Renne

CHIEF'S REPORT (continued)

a. Update on significant policing efforts by Department members

Chief Fong thanked the Commission for allowing the department to make the presentations earlier.

Commissioner Chan asked about civil warrants of body attachments. Chief Fong explained that, currently, the system of entering any civil stay-away or restraining order ... it is not possible to enter it once and have it go straight to the Police Department and to the Sheriffs Department or any other entity. At the current time, the court transmits those documents via paper to the Police Department and the Department's Identification Section actually has people manually entering those orders into the system and then at such time that it's cancelled by the court, another document comes to the I.D. Section and the staff have to then take it out of the system. Chief Fong stated that technology could be very helpful in streamlining the system.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Presentation of First Quarter Early Warning Report

Director Allen presented the First Quarter 2005 Early Warning Report.

Commissioner Veronese asked for a more detailed report where the Commission can understand what type of complaints are being alleged against the officers.

Commissioner Chan stated that he wants to make it clear that Director Allen is not asserting that the Early Warning System data be based on the number of complaints an officer would receive at the OCC. Director Allen stated that no.

Commissioner Keane commended Director Allen for the work that he is doing.

PUBLIC COMMENT:
Mark Schlosberg, ACLU, discussed concerns regarding the Early Warning System.

DISCUSSION ON PROPOSED REVISIONS TO DEPARTMENT GENERAL ORDER 3.19, "EARLY INTERVENTION SYSTEM"

Captain Keohane reported on the proposed revisions to DGO 3.19, "Early Intervention System."

Commissioner Orr-Smith why does it take so long to get an agreement. Captain Keohane explained that most programs, the policies, take from two to seven years to implement. Captain Keohane stated that the Department wants to move quicker, however, they are very complex. Commissioner Orr-Smith stated that time line needs to be quicker.

PUBLIC COMMENT:
Mark Schlosberg, ACLU, discussed concerns regarding DGO 3.19.
Elizabeth, ACLU, discussed concerns regarding DGO 3.19.

APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETING OF MARCH 9, 2005

Motion by Commissioner Keane, second by Commissioner Veronese to approved the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

RESOLUTION NO. 47-05

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL K. TURKINGTON (FILE NO. C04-224 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Michael K. Turkington, Star No. 1799, Records Section, was called it having been set for this date; and

WHEREAS, Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael K. Turkington; therefore be it

RESOLVED, that Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael K. Turkington, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

RESOLUTION NO. 48-05

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ARKADY ZLOBINSKY (FILE NO. C04-223 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date

for hearing on disciplinary charges filed against Officer Arkady Zlobinsky, Star No. 537, Identification Section, was called it having been set for this date; and

WHEREAS, Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arkady Zlobinsky; therefore be it

RESOLVED, that Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arkady Zlobinsky, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

PUBLIC COMMENT:
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks asked Director Allen to catch up on reports relative to the Early Warning System.

Commissioner Sparks asked the Fiscal Division for a specific budget for the Commission.

Commissioner Sparks read the following motion into the record:

"WHEREAS, it is one of the responsibilities of the Office of Citizen Complaints to review policies, procedures, general orders, and bulletins of the San Francisco Police Department and make recommendations for new policies and modifications to existing policies to the San Francisco Police Commission; and

WHEREAS, a number of existing general orders and bulletins of the San Francisco Police Department are numerous and difficult to monitor by the San Francisco Police Commission; and

WHEREAS, a number of new policy recommendations made by the Office of Citizen Complaints which have yet to be reviewed by all interested parties and approved by the San Francisco Police Commission date back to the year 2000; and

WHEREAS, it is difficult for the San Francisco Police Commission to monitor progress and track these new policy recommendations; therefore, be

RESOLVED, that the Director of the Office of Citizen Complaints submit to the San Francisco Police Commission monthly, with a copy to the Management Control Division of the San Francisco Police Department, a list of all pending policy recommendations with the original date of recommendation, date of last modification, status of department and other interested party reviews, unresolved issues with current draft, anticipated date of presentation to the San Francisco Police Commission for discussion and possible action or approval. This report shall include all pending policy, procedure, and Department General Orders which are currently under review or revision. It will also include all Department General Orders which are within 90 days of expiration."

Commissioner Veronese reminded the Chief to look into a potential

investigation of the service of process. He also asked that the Commission to look at the Police Commission staffing level and asked to look into the increase of Commission staffing.

Commissioner Chan reminded the Department of the request of Commissioner Keane on the functions of the Legal Department and the request of Commissioner Marshall in regards to the Investigations Bureau's hiring practices and promotion.

PUBLIC COMMENT:

Mark Schlosberg, ACLU, thanked Commissioner Sparks for her resolution.

Motion by Commissioner Keane, second by Commissioner Chan to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

PETER KEANE
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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 13, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:00 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (DISCUSSION ONLY)

   CONFERENCE WITH LEGAL COUNSEL
   a. Shao Xi Tan and Yue Mai Tan v. City and County of San Francisco, U.S.D.C. No. C03-3907 MMC

OPEN SESSION (5:30 p.m.)

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of Consent Calendar (ACTION ITEM)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 13, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Investigations Bureau Update
   c. Sexual Offender Unit Update
   d. Status of the Department General Order System

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

9. Commission Announcements (DISCUSSION ONLY)

10. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

CONSENT CALENDAR

1. Request of Officer Daniel Bonnel for approval to accept a reward, not to exceed $75.00, from the U.S. Navy Absentee Collection and Information Center

2. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   a. Shao Xi Tan and Yue Mai Tan v. City and County of San Francisco, U.S.D.C. No. C03-3907 MMC

***PLEASE NOTE*: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.**

1. The Commission will hold its Community Meeting at the Bayview District at the Southeast Community Facility, Alex L. Pitcher, Jr. Community Room, 1800 Oakdale Avenue, San Francisco, at 6:00 p.m., on Wednesday, July 27, 2005, to hear comments from the public and Bayview Station Captain Rick Bruce concerning public protections issues in the Bayview District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

JULY 13, 2005 **CLOSED SESSION**

The San Francisco Police Commission met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:24 p.m., in Closed Session.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Sparks, Marshall
ABSENT: Commissioners Renne, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Keane, second by Commissioner Marshall to hold Closed Session. Approved 5-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)

CONFERENCE WITH LEGAL COUNSEL

a. Shao Xi Tan and Yue Mai Tan v. CCSF, U.S.D.C. No. C03-3907 MMC

JULY 13, 2005 **REGULAR MEETING**

The San Francisco Police Commission met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5.48 p.m., in Regular Meeting.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Sparks, Marshall
ABSENT: Commissioners Renne, Veronese

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Keane, second by Commissioner Chan for non disclosure of discussion held in Closed Session. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Chan, second by Commissioner Keane to approve the Consent Calendar.

RESOLUTION NO. 49-05

APPROVAL OF REQUEST OF OFFICER DANIEL BONNEL TO ACCEPT A REWARD, NOT TO EXCEED $75.00, FROM THE U.S. NAVY ABSENTEE COLLECTION AND INFORMATION CENTER

RESOLVED, that the Police Commission hereby approves the request of Officer Daniel Bonnel to accept a reward, not to exceed $75.00, from the U.S. Navy Absentee Collection and Information Center.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Renne, Veronese

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RESOLUTION NO. 50-05

SHAO XI TAN AND YUE MAI TAN v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Shao Xi Tan and Yue Mai Tan v. City and County of San Francisco" in U.S.D.C. No. C03-3907 MMC, be, and the same are hereby approved.

Date of Incident: November 16, 2002

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Renne, Veronese

PUBLIC COMMENT

Elizabeth Prantes talked about medical marijuana.

Cab driver thanked the Chief for signing DGO regarding illegal taxis. He also thanked Lt. Schlotz, Permit Bureau, for her help in an investigation of fraud. He also thank Officer Crisp, Permit Officer Central Station, for his help in moving traffic on Broadway. He also asked for more staffing for the Mission District.

Frank Martin Del Campo, SEIU Local 790, discussed concerns in regards to civilians in the Department. He also spoke on behalf of Dennis Lok.

Dennis Lok spoke regarding his case.

Laurie Bowie spoke on behalf of Dennis Lok.

Lorraine Altamirano spoke regarding comments made in the paper by the POA.

Dennis McNally, ACLU, discussed concerns regarding the Early Warning System.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Investigations Bureau Update
c. Sexual Offender Unit Update
d. Status of the Department General Order System

Chief Fong introduced Mr. Craig Yamasaki from the Arco AM/PM, and Ms. Barbara Jacobsen who is a victim advocate with the Bay Area Chapter of Mothers Against Drunk Driving.

Mr. Yamasaki, Zoning & Development Manager for BP Arco and Director of MADD Arco Partnership Against Impaired Driving, spoke about the program. The program consists of a presentation called "Every 15 Minutes." This presentation is a simulated multiple fatality catastrophic car crash which is demonstrated before high school students in a two-day program. The first day is the accident and the second day is a funeral ceremony where students get a chance to speak about what it meant to them to be a participant and how it felt to have their lives changed by the thoughtless acts of a person drinking. He read a letter written by a high school student. He thanked the Department and the Fire Department for their help with this program.

Ms. Jacobsen made the presentations of acknowledgment to Isabel Guiterrez, Officer Sherry Hicks, Matt, Lt. Colleen Fatooh, Officer Mooney, and Chief Fong for their help in getting this program to schools.

Chief Fong reported regarding two officers that were assaulted during a demonstration. Chief Fong asked witnesses to come forward in regards to this incident.

Commissioner Orr-Smith, on behalf of the Commission, expressed support of Chief Fong and her leadership in this process and support of the police officers in their performance of their duties. Commissioner Orr-Smith asked the public to come forward with any information that would lead to the apprehension of the perpetrators of this crime.

Chief Fong announced that there will be three reports on the agenda. Chief Tabak will speak on the Investigations Bureau Update. There will be an update on the Sex Offender Unit and a report on the status of the DGO system.

Deputy Chief Tabak gave an update on the Investigations Bureau. Chief Tabak thanked the Forensic Services Division for their help. Chief Tabak introduced Dr. Sidney Holt, Director of Forensic Services Division.

Dr. Holt talked about the accreditation process of forensic laboratories. She stated that the application for accreditation was considered in February, 2006, and on March 1st, they earned and were granted accreditation in the areas of controlled substances, fire debris, gunshot residue, firearms tool marks, footwear, biology, including the DNA program and questioned documents. She commended Martha Blake, Crime Lab Manager, for her hard work. She also thanked Matt Gabriel, DNA Technical Manager, and Mr. Francis Woo, Controlled Substances & Chemical Analysis Unit Manager.

Commissioner Keane emphasized the importance of accreditation.

Inspector Jim Serna, Sexual Offender Unit, gave a brief overview of the Sexual Offender Unit.

Commissioner Sparks asked if 985 active offenders is a high number as for San Francisco relative to its population base. Inspector Serna stated it is low as compared to Oakland and San Jose and the reason it is on the low side is cost of living.

Commissioner Sparks asked if there are certain areas in the city that have a higher concentration of sex offenders. Inspector Serna stated the South of Market area and the Tenderloin area would have the higher percentage because of cost of living.

Commissioner Veronese requested that the report on the status of the Department General Order System be put over until next week when the Department provides a written report.

Commissioner Sparks asked about lay-offs in the Department. Chief Fong explained that the Department of Human Resources asked the Department to identify positions that potentially could be addressed through lay-offs or early retirement and the Department did submit one name this year.

Commissioner Chan the Chief if there is any issue that the Commission should be concerned as to any perceived disparate impact as the article seem to imply. Chief Fong asked Deputy Chief Parra to address the question. Deputy Chief Parra stated that the Civil Service Commission is presently looking at the certification rule that the Commission has recommended to be applied to the present Q-60 Lieutenants' examination list. The latest proposal was the rule of five in an application to the ranks of 1 through 18. That rule of five would leave four people not selected. Those four people not selected, rank 1 to 18, would then fall into a sliding band from rank 19 and beyond. The sliding band is a point spread of 152 points. This is only a proposal at this time.

Commissioner Sparks asked if the list will be published by the end of the year. Chief Parra stated it was voted upon to direct the director of Human Resources to post the list when they can. The Examination Unit is moving

forward in putting the list together to be posted in about a week's time.

Commissioner Marshall asked what is the homicide rate as compared to last year. Chief Tabak stated that year to date, this year is 40, last year was 55.

PUBLIC COMMENT:
None

OCC DIRECTOR'S REPORT
a. Review of Recent Activities

Director Allen briefed the Commission on meetings that were held last week. He stated that one was with the Dario Harper and the group at the Ella Hill Hutch Center in the Western Edition. Another meeting is an agency that comes from UCSF called the Transgender Resource and Neighborhood Space Group. Director Allen explained that one of the concern is a lot of the community does not want to come forward for fear of retaliation. Director Allen also stated that there was a meeting with the South Beach Residence Association.

Commissioner Sparks stated that the Transgender Community is working with the District Attorney's office and put together some training for district attorneys and Commissioner Sparks stated that there are training at the Academy and some roll call training has been produced. Commissioner Sparks asked if the OCC have gone through any sensitivity training for the community. Director Allen stated that no. Commissioner Sparks stated that the organization to contact would be the Transgender Law Center because they give seminars that offer continuing education credits for lawyers.

Commissioner Sparks also asked for a presentation on the OCC outreach efforts. Director Allen stated that he is planning on doing a presentation in August.

PUBLIC COMMENT:
None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission received notice from the Superior Court of a temporary stay order on the Breslin et al case. The Commission have been instructed not to take any administrative action until the order expires or an appeal is filed.

Commissioner Chan explained that the terms of the order received today stays the proceedings that he has been administrating in this case until the filing of a notice of appeal from the judgment.

Commissioner Keane asked that the family of Ms. Detoy be notified when matters like this comes up.

Sergeant Reilly explained about the minutes and explained about the record retention schedule and stated that it is available in the Commission's office. Sergeant Reilly also talked about the Commission Rules and it will be revised. Sergeant Reilly announced that the District Meeting will be in the Bayview District in the Southeast Community Facility on Wednesday, July 27th.

Commissioner Orr-Smith announced that the Late Night Basketball team is having their game tonight at 7:30 p.m.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Chan asked for a report on crimes on Muni.

Motion by Commissioner Marshall, second by Commissioner Keane to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:12 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 20, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Commission may decide to consider Item No. 2, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussion held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

2. Hearing on the disciplinary charges filed against Officer Phillip J. Gonzales (File No. C04-018 EGF, filed 03/09/04), discussion and possible action to dispose of the charges (ACTION ITEM)

   The following time limits will apply:
   OCC's Opening Argument: Up to 25 minutes
   Charged Officer's Opening Argument: Up to 25 minutes
   OCC's Closing Argument: Up to 10 minutes

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3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Investigations Bureau Update
   c. Status of the Department General Order System
   d. Recruitment Update

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JOE VERONESE
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SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 20, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Suggestions for revisions of Department General Orders

5. Commission Announcements (DISCUSSION ONLY)

6. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

***PLEASE NOTE*: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.**

1. The Commission will hold its Community Meeting at the Bayview District at the Southeast Community Facility, Alex L. Pitcher, Jr. Community Room, 1800 Oakdale Avenue, San Francisco, at 6:00 p.m., on Wednesday, July 27, 2005, to hear comments from the public and Bayview Station Captain Rick Bruce concerning public protections issues in the Bayview District.

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SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

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#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JULY 20, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:34 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

PUBLIC COMMENT

Elizabeth Prantes discussed concerns regarding medical marijuana.

Shannon Altamirano discussed concerns regarding the case of Sheila Detoy.

Lorraine Altamirano discussed concerns regarding the case of Sheila Detoy.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, discussed concerns regarding police brutality.

S.F. resident discussed concerns regarding actions by the police.

Dawn Edwards, Bay Area Police Watch, discussed concerns regarding officer-involved shootings.

Katy Sheehan, Bay Area Police Watch, discussed concerns regarding officer-involved shootings.

Lenore Anderson, Bay Area Police Watch, discussed concerns regarding officer-involved shootings.

Bill Carlin discussed concerns regarding leash law enforcement.

Barbara George, Concerned Parents of Murdered Children, thanked the Department for reduced gun violence in the City. She requested that the Commission make the stats public on all the unsolved murders in San Francisco. She asked what happens to cases that are unsolved and asked the Commission to create a Cold Case Unit.

Kathy & Randy Younghood, parents of murder victim, discussed concerns regarding unsolved murder cases.

Commissioner Renne stated that, for the record, in regards to the Detoy matter, the Court has ruled that the Commission cannot proceed until such time as the Court allows the Commission to proceed.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES (FILE NO. C04-018 EGF, FILED 03/09/04), DISCUSSION AND POSSIBLE ACTION TO DISPOSE OF THE CHARGES

Sergeant Reilly announced that Officer Gonzales has resigned from the Department effective close of business today.

Motion by Commissioner Sparks, second by Commissioner Keane to take the matter off calendar until such time that Officer Gonzales falls within the Commission's jurisdiction again. Approved 6-0.

RESOLUTION NO. 51-05

HEARING OF OFFICER PHILLIP J. GONZALES, STAR NO. 2223

WHEREAS, on March 5, 2004, Chief of Police Heather J. Fong made and served disciplinary charges against Officer Phillip J. Gonzales, Star No. 2223, Planning, as follows:

SPECIFICATION NO. 1
Conduct Reflecting Discredit (inappropriately obtaining personal information

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and contacting two women at their homes, in violation of Department General Order 2.01).

(1) At all times herein mentioned, Phillip J. Gonzales, Star Number 2223, (hereinafter referred to as "the Accused Officer") was and is a police officer, holding the rank of officer, employed by the San Francisco Police Department.

(2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On or around May 12, 2003, the Accused Officer paid a visit to the home of a woman (hereinafter referred to as Complainant) in San Francisco. The Accused Officer was on patrol duty. The Complainant was not home at the time.

(4) The Accused Officer spoke with the Complainant's husband and presented him with a business card, which complainant found later that evening next to her computer. The Accused Officer told Complainant's husband that he went to grammar school with the Complainant, has seen her name on a "report," and had felt guilty that he had not looked her up sooner.

(5) The Complainant, who is 46 years old, attended grammar school more than 30 years ago and recalled that the Accused Officer was in her fifth or sixth grade class. She said they were not friends, and that she felt very angry and violated that the Accused Officer would look her up after 38 years.

(6) The Accused Officer acknowledged that he visited Complainant's home to say hello on May 12, 2003, when he happened to be in the area on other business. He said that he remembered Complainant's address after having seen her name and address on a subpoena in late 2002. The Accused Officer also checked to make sure Complainant still lived there before he attempted to make contact with her.

(7) On May 12, 2003, the Accused Officer also made an unannounced visit at the home of another San Francisco woman (hereinafter referred to as Co-complainant).

(8) About 8 to 10 years ago, the Co-complainant met the Accused Officer when he came to her home to take a report of an obscene phone call. The Co-complainant said that Accused Officer behaved inappropriately then, talking about personal matters, such that she felt she had to falsely tell him she had a boyfriend as a way to protect herself. About one month later, she heard her doorbell ring and did not answer it. Suddenly a bright light shone through the window. The Co-complainant looked out the window and saw the Accused Officer standing there with the floodlights from his patrol car fixed on her livingroom window. She said that the Accused Officer told her he was just checking up on her. She was afraid to let him into her apartment because she felt his behavior was "creepy."

(9) By May 12, 2003, the Co-complainant had moved to a new address. When the Accused Officer rand her doorbell, she met him in the lobby. He was in uniform. The Co-complainant said that he acted "way too friendly" and "creepy." She told the Accused officer that she was married.

(10) the next day, the Co-complainant contacted the police station to make a

complaint about the Accused Officer, but the Accused Officer answered the phone. She told him she felt violated by his actions and that he frightened her. The Co-complainant said that the Accused Officer told her he had gone by her address on previous occasions. She felt too afraid to tell him not to contact her again.

(11) The Accused Officer acknowledged that he made contact with the Co-complainant on May 12, 2003 and remembered that she was a victim of a crime about 8 to 9 years earlier. He remembered visiting her home again shortly after taking a report from her 8 or 9 years ago, but did not recall shining floodlights into her window. The Accused Officer said that he visited Co-complainant's address on May 12, 2003, that he recalled her living there about 10 years earlier, and that her name stuck in his head because it was a compilation of names he had heard on television. He rand DMV information, obtaining her current address. He went to her new address and "had a friendly conversation" with her for five to 10 minutes.

(12) The Accused Officer said that the Co-complainant called the station the next day, and that he told her he was just trying to see if she still had the problem from 8 or 9 years earlier and to see how she was doing. He also said that he told her he had gone to the apartment building where she once lived and found out she was no longer living there.

(13) By these actions, the Accused Officer obtained personal information about two women for his own curiosity and made contacts that were not welcome or appreciated. He had no lawful reason to take time away from his patrol duties to contact these women. His inappropriate behavior violated Rule 9 of Department General Order 2.01.

(14) Rule 9 of Department General Order 2.01 states that:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Neglect of Duty (engaging in personal business while on duty, in violation of Department General Order 2.01).

(15) Paragraphs (1) through (14) of Charge No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full.

(16) The Accused Officer's Unit History for May 12, 2003 shows that he ran the Complainant's name and date of birth, using several different spellings and combination of numbers, through confidential law enforcement computers. He ran both DMV and criminal checks on the name from between 5:40 p.m. and 8:25 p.m. and then went to her address at about 8:30 p.m., during the time he was on duty that day. He also ran Complainant's license plate number.

(17) The Accused Officer admitted that he visited Complainant's home the evening of May 12, 2003 while he was on duty, and said that his purpose was to reconnect with a grammar school friend.

(18) Also on May 12, 2003, the Accused Officer's Unit History shows that he ran the Co-complainant's name and date of birth through

confidential law enforcement computers at about 5:48 p.m. He then went to her address at about 9:15 p.m., while on duty.

(19) The Accused Officer admitted that he ran a criminal check of the Co-complainant's name to obtain her date of birth and then ran her name and date of birth through DMV's database to obtain her address. He admitted that he visited her home to have a "friendly conversation" and to see if a report of an obscene phone call she made eight years ago was resolved.

(20) These actions were in violation of Rule 40 of Department General Order 2.01, which states:

"PERSONAL BUSINESS. Members shall not, while on duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

SPECIFICATION NO. 3
Conduct Reflecting Discredit (misusing a Department computer, in violation of Department General Order 10.08).

(21) Paragraphs (1) through (14) of Charge No. 1, and Paragraphs (15) through (20) of Charge No. 2 are incorporated in this paragraph by reference and realleged as though set forth in full.

(22) The Accused Officer stated that, after seeing Complainant's name and address on a subpoena in late 2002, he ran the Complainant's criminal history to obtain additional information about the Complainant.

(23) The Accused Officer stated that he did not know why he queried Complainant's name through confidential law enforcement computers, except that he wanted to check the criminal history of the complainant because he may have seen her or someone like her on the street. He further stated that he did not know where he got her date of birth, but knew that she was born in 1957.

(24) The Accused Officer stated that he did not know why he ran Co-complainant's name through confidential law enforcement computers. He added that she could have been a resident of a building in which the Complainant lived or a victim of a crime from whom he took a report 8 or 9 years ago. He added that he ran her name "just to see if that problem had been resolved." He also stated that he was conducting "community policing."

(25) The Accused Officer's Unit History for May 12, 2003 also shows that he ran twelve queries of other people using driver's license numbers, license plates and/or names. In each case, the query had no computer-assisted dispatch number attached, or other notation indicating any law enforcement purpose for the query. The Accused Officer could provide no explanation for why he ran the number, plate or name in these instances. Two of the women whose driver's licenses the Accused Officer ran were contacted for interviews and stated that they attended grammar school with the Accused Officer. A third woman said that she was a former neighbor of the Accused Officer's family when they were children. In each case, the Accused Officer stated that he did not know why he ran the names, or stated that he did not know the person.

(26) The Accused officer explained that through "train of thought" he was just randomly running the names of associates of people he had had criminal contact with in his district. He said, "I may have been curious to see if these people were still active in my district." He also

explained that running the names through the computer was for informational or investigative purposes for him to use in his district.

(27) By these actions, the Accused Officer accessed confidential law enforcement computer databases on May 12, 2003 for information about a number of people for whom he could not provide a legitimate reason for appropriating the confidential information and for purposes unrelated to law enforcement. These actions violated Department General Order 10.08 and the Department of Justice Policy, Practices and Procedures, which govern use of law enforcement computers.

(28) Section II.D. of Department General Order 10.08 states in pertinent part:

"1. Members may use Department owned and issued equipment, including computer equipment, for work related purposes only.

4. No member shall access any criminal history except as necessary for a bona fide criminal investigation. No members shall access computer history information for curiosity, personal or political purposes. All members accessing confidential criminal history shall be familiar with Department rules and regulations and local, state, and federal laws regarding proper access and use of such information."

(29) Department of Justice Policy, Practice and Procedures states in pertinent part:

"1.6.6 Confidentiality of CLETS messages

Any information transmitted or received via CLETS is confidential and for official use only by authorized law enforcement or criminal justice personnel.

(a) Access to CLETS information is on a "right to know" and "need to know" basis.
(b) Authorized personnel shall not inquire into their own record or have someone inquire for them."
©) Accessing and/or releasing CLETS information for non-law enforcement purposes is prohibited and is subject to administrative action and/or criminal prosecution."

(30) Rule 9 of Department General Order 2.01 states that:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, Officer Phillip J. Gonzales, Star No. 2223, has submitted his resignation from the San Francisco Police Department, said resignation effective July 20, 2005; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department field against Officer Phillip J. Gonzales, Planning, be and the same are hereby continued off calendar. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

Commissioner Veronese asked that members resign before the actual hearing because the Commissioners and attorneys put a lot of time into the case and it is not appreciated that this happens.

Commissioner Renne commended Commissioner Sparks for doing a good job with hearing the case.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Investigations Bureau Update
c. Status of the Department General Order System
d. Recruitment Update

Chief Fong introduced Deputy Chief Tabak to update the Commission in regards to homicides in the City.

Chief Tabak gave a six-month recap of homicides from January 1st to the end of June of this year. He stated that current homicides are at 41. The same time last year at 2004, it was 56.

Commissioner Keane asked if there is cooperation and discussion as there should be between the SFPD and the District Attorney's office in relation to Ramey warrants. Chief Tabak stated that the Department has an excellent working relationship with the DA's office. There is continued dialogue with the DA's office on specific cases.

Commissioner Marshall commended Chief Tabak for his presentation.

Commissioner Veronese commended Chief Tabak for his presentation. He asked about cases filed with the U.S. Attorney's office. Chief Tabak explained that majority of the trigger lock cases generally will get charged. The majority will get charged by the U.S. Attorney's office and the rest will get charged by the local D.A.

Commissioner Veronese asked about restructuring in the Investigations Bureau. Chief Tabak stated that one of the restructuring was not only to change the watch off schedule to cover more fully on a daily shift but also weekly shift and to maximize the amount of inspectors that were assigned both on Mondays and Fridays but it also did with the disbanding of the Night Investigations Unit and that was done because of staffing crunch.

Commissioner Veronese asked about choosing inspectors to work in the Investigations Bureau. Chief Tabak explained that every promotional rank in the Department is a Civil Service examination and promotional rank by classification so everyone has to take the test of assistant inspector in order to make the list and then they are hired off that list. But with respect to particular units within the bureau of Investigation, qualities are looked at but there is also a P-1 transfer process that allows the member to choose where he/she wants to transfer to based on the date of request. In several units, like Homicide, you have to be on the request list and when you're reached, you are interviewed and there is a criteria. Questions are asked about experience in doing investigations, search warrants, testimony, and training. Five members have been chosen under that process.

Commissioner Chan asked what was the number of inspectors at the time when the homicide rate was lower. Chief Tabak stated that there were probably 80 more inspectors than there is now.

Commissioner Chan asked about homicides in the Mission District. Chief Tabak explained that all gang violence in the Mission, Ingleside, and Tenderloin is a result of Sorenio/Nortenio factions fighting.

Commissioner Sparks asked about how many arrests were made and the number of indictments as compared to the number of arrests and number of convictions. Chief Tabak stated that there is a time lagged between the indictment, the prosecution, the outcome of that prosecution but when compared to the first six months of last year to the first six months of this year, the clearance rate meaning the closure of cases, last year at this time it was approximately 25 percent and this year it is already at 57 percent.

Commissioner Sparks asked about homicides not involving guns and homicides that don't use the trigger lock strategy. Chief Tabak stated that 92 percent of homicides are caused by guns. The rest are blunt force, trauma, fist, and knife.

Commissioner Sparks asked about cases presented to the District Attorney's office relative to all homicides as opposed to the number of cases that the District Attorney's office actually charged. Chief Tabak stated that he will get those facts for the Commissioner at a later date.

Commissioner Marshall asked about witnesses coming forward. Chief Tabak stated that the Department has seen a change and it's been a positive change.

Commissioner Veronese announced that he has received information from Deputy Chief Parra in regards to the Department General Order System. He explained that the Department has identified 111 General Orders and a majority of those, 78, are the ones that should be reviewed annually. He stated that the Commission has seen only four of those. He also stated that he will be meeting with Chief Parra on Friday and invited OCC to come and the POA to be represented as well. He asked the Department, the OCC, and the POA to come up with a streamlined process by which the Commission can take a look at the General Orders and make changes on a more rapid basis as opposed to encountering the different conflict that it has today.

Deputy Parra gave a brief update on the Department's recruitment drive. He stated that 1,943 applications were received;1, 966 applicants were qualified. Out of 1,543 scheduled for the written exam, 1,007 participated. Chief Parra stated that the Department has established an electronic link on the SFPD website so that interested parties can be notified via email when applications are available.

Commissioner Chan asked about the waivers because of Post certification or lateral transfers. Chief Parra explained that Post certified candidates can waive only the written portion of the test.

Commissioner Sparks asked about the lieutenants list. Chief Parra stated that there was a meeting this morning but he has not been briefed as to what went on at the meeting. He stated that hopefully tomorrow he will be briefed.

Commissioner Sparks asked about an article in regards to a nationwide sweep of sexual predators. Chief Fong stated that she has not read the article and she is not aware of a sexual predator sweep involving the SFPD.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Suggestions for revisions of Department General Order

Director Allen thanked his staff for research done as far as the DGO matter.

PUBLIC COMMENT:
None

COMMISSION ANNOUNCEMENTS

Commissioner Renne announced that the meeting for next week was to be held at the Bayview but the community room is not available and the Southeast Community Center is not available on August 31st.

Commissioner Keane asked that the Bayview meeting be held in September.

Commissioner Renne asked that the Bayview meeting be moved to September and Ingleside in August.

PUBLIC COMMENT:
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks asked that her resolution regarding policies be put on the agenda within the next couple of weeks.

PUBLIC COMMENT:
None

Motion by Commissioner Keane, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:18 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

PETER KEANE
Commissioner

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Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

Agenda

NOTICE OF MEETING CANCELLATION

Due to a reservations conflict at the announced location

the Police Commission meeting
for
Wednesday, July 27, 2005

at the Southeast Community Center
1800 Oakdale Avenue
San Francisco

has been cancelled

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The next regular Commission Meeting will be held on ***Wednesday, August 3, 2005***, at 5:30 p.m., in Room 400 at City Hall.

The Police Commission will hold a Community Meeting in the Bayview neighborhood during the last week of September.
Please watch for announcement.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 3, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2)

   CONFERENCE WITH LEGAL COUNSEL
   ANTICIPATED LITIGATION: AS DEFENDANT
   Threatened litigation against the City relating to Department General Orders 3.10 and 8.11

4. Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b)

   PERSONNEL EXCEPTION: EMPLOYEE EVALUATION
   OCC Director

5. Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b).

   a. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer Ronald T. Liberta (File No. C04-195 JWA) (ACTION ITEM)

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 3, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

OPEN SESSION
Pledge of Allegiance; Roll Call

6. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67. 12(a)) (ACTION ITEM)

7. Public Comment
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

8. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

9. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

10. Discussion and possible action on process to review Department General Orders (ACTION ITEM)

11. Discussion and possible action regarding Resolution on monthly reports by the OCC on pending policy recommendations and Department General Orders under review and revision (ACTION ITEM)

12. Approval of minutes for the Police Commission meetings of March 16th ,23rd , and March 30, 2005 (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 3, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

13. Commission Announcements (DISCUSSION ONLY)

14. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

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The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 3, 2005 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in Closed Session.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Marshall, second by Commissioner Keane to hold Closed Session.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(2)

CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION: AS DEFENDANT
Threatened litigation against the City relating to Department General Orders 3.10 and 8.11

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b)

PERSONNEL EXCEPTION: EMPLOYEE EVALUATION
OCC Director

AUGUST 3, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:58 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Taken out of order

Chief Fong honored several members of the public. Ms. Helenia Brook, S.F. Mental Health Board, and Chief Fong honored and gave certificates to Mr. Halifa Cuavale, Mr. Greg Rosniak, and Mr. Owens Spalding for their help during a fatal shooting at the Conner House Community Services on May 9, 2005.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

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Motion by Commissioner Orr-Smith, second by Commissioner Keane for non-disclosure. Approved 7-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1) AND S.F. ADMINISTRATIVE CODE SECTION 67.10(b)

a. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer Ronald T. Liberta (File No. C04-195 JWA)

Motion by Commissioner Veronese, second by Commissioner to accept the Chief's recommendation. Approved 7-0.

HEARING OF OFFICER RONALD T. LIBERTA, NORTHERN (FILE NO. C04-198 JWA)

The hearing of Officer Ronald T. Liberta, was called it having been set for this date. Officer Liberta was charged, in a properly verified complaint by Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Driving a motor vehicle while intoxicated, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Mr. Jerry Tidwell, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Ronald T. Liberta appeared in person and was represented by Mr. James Collins, Attorney at Law.

Officer Liberta admitted to the truth of the allegations contained in Specification No. 1 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Officer Liberta.

Based on Officer Liberta's admission, the Commission requested a recommendation from Chief of Police Heather J. Fong.

It is the recommendation of Chief of Police Heather J. Fong that Officer Ronald T. Liberta be suspended for forty-five (45) days and that Officer Liberta shall participate in Department General Order 11.11 program for three (3) years from the date of this meeting.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 52-05

DECISION - HEARING OF OFFICER RONALD T. LIBERTA, NORTHERN (FILE NO. C04-198 JWA)

WHEREAS, on November 4, 2004, Heather J. Fong, Chief of Police of the San Francisco Police Department, made and served charges against Officer Ronald T. Liberta, as follows:

SPECIFICATION NO. 1
Driving a motor vehicle while intoxicated, conduct which undermines the good

order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(1) At all times herein mentioned Ronald T. Liberta, Star Number 682, (referred to as "the accused") is a police officer, employed by the San Francisco Police Department, assigned to the Field Operations Bureau, Northern Station.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On December 10, 2003, at 2316 hours, the accused was off duty driving his personal vehicle, a 2003 Infiniti automobile, southwest on Highway 101 in Marin County, California.

(4) Two California Highway Patrol (CHP) officers on patrol in a marked Highway Patrol vehicle entered southwest bound Highway 101 from the Seminary Drive on ramp. Highway 101 is a 55 MPH zone at that point, the CHP officers observed the vehicle the accused was operating pass them at a high speed, estimated at 65-70 MPH. The driver Officer followed the accused and paced his speed at 70 MPH. The officers noticed the accused weaving in his traffic lane, crossing the Botts dots on the limit lines on both sides of his traffic lane. The Officer attempted to effect a traffic stop near the Rodeo Drive on ramp. The accused ignored the red lights and a flashing spotlight on his rear view mirror. The accused entered the Waldo Tunnel and accelerated to 80 MPH, ignoring the emergency lights and the siren which the driver Officer activated briefly. After emerging from the Waldo Tunnel, the accused abruptly pulled to the right hand side shoulder of the highway and stopped his automobile.

(5) The driver Officer approached the accused's vehicle from the driver's side. The driver officer ordered the accused to exit his vehicle, but he did not follow her orders. The driver officer pulled the accused fro his automobile and the accused told her "I'm a cop." He handed her a San Francisco Police Department Identification Card. Both CHP officers detected the odor of alcohol in the accused's breath. His eyes were red and his speech was slightly slurred. The accused was not able to successfully complete field sobriety tests administered by the CHP officers. The officers determined that the accused might be under the influence of alcohol, and administered a preliminary alcohol screening test at 2345 hours. The accused tested at 0.175 percent blood alcohol by volume.

(6) Based on their observations, the CHP driver officer arrested the accused fro violating California Vehicle Code §23152(a) and informed him of the requirement for testing under the implied consent law. The accused agreed to take a breath test which was performed at the Marin County Main Jail on December 11, 2004, at 0032 hours. The results of the blood alcohol tests were .014 and .016 percent of alcohol, by weight, in his blood.

(7) California Vehicle Code §§ 23152(a) and (b), state:

"§23152. DRIVING UNDER THE INFLUENCE.
(a) It is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.

(b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle . . ."

(8) The accused engaged in conduct which, in a criminal context, violates the California Vehicle Code by driving a motor vehicle while under the influence of alcoholic beverages which violates §23152(a); and by driving a vehicle with more than 0.08 percent, by weight, of alcohol in his blood, which violated California Vehicle Code §23152(b); any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on August 3, 2005, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Ronald T. Liberta's admissions, the Commission finds the allegation contained in Specification No. 1 of the disciplinary charges as preferred by Chief of Police Heather J. Fong against Officer Liberta are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1: Sustained

That Officer Ronald T. Liberta be suspended for forty-five (45) days; and that Officer Liberta shall participate in Department General Order 11.11 program for three (3) years from the date of this meeting.

FURTHER RESOLVED, that said forty-five (45) day suspension imposed shall commence on Thursday, August 4, 2005, at 0001 hours, and terminate on Saturday, September 17, 2005, at 2400 hours. Officer Liberta is directed to make telephone contact with his commanding officer three (3) days before the end of his suspension for further direction regarding his return to duty. If Officer Liberta is unable to reach his commanding officer, he shall report to his unit by 0900 hours on the day his suspension ends.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

PUBLIC COMMENT

Ann Short, S.F. Resident, read a letter she wrote to Sgt. Sanford commending Officer John Scully.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

None

DISCUSSION AND POSSIBLE ACTION ON PROCESS TO REVIEW DEPARTMENT GENERAL ORDERS

Commissioner Renne explained that this item was put on the calendar because of questions posed by Commissioners Sparks and Veronese and also because in the last several months, the Commission have seen some general orders that need to be updated whether with regard to State Law or in some cases because they are not being followed.

Commissioner Renne stated that, because of the number of general orders that need to be reviewed, rather than doing it all at once, that a sub committee be established to take a look a the issue on how the Commission can go about reviewing the general orders.

Commissioner Keane stated that additional staff, on a temporary job assignment, to take the general orders and come up with a list of things and priorities for the Commission.

Commissioner Marshall suggested maybe some form of internship.

PUBLIC COMMENT

Mark Schlosberg, ACLU, stated that the Commission should set out priorities but it should be the Commission that should review the General Orders.

Commissioner Renne suggested a three person committee to review the General Orders. Commissioner Renne asked that Commissioner Veronese be the Chair, and Commissioner Sparks be part of the committee.

Commissioner Renne appointed Commissioner Veronese and Commissioner Sparks to the General Order Committee to establish a work plan for review of Departmental General Orders and come up with recommendations as to how to implement the work plan, giving thought to priorities that need to be undertaken by the Commission.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION ON MONTHLY REPORTS BY THE OCC ON PENDING POLICY RECOMMENDATIONS AND DEPARTMENT GENERAL ORDERS UNDER REVIEW AND REVISION

Motion by Commissioner Sparks, second by Commissioner Orr-Smith to continue this item for one week. Approved 7-0.

PUBLIC COMMENT

Mark Schlosberg asked that the proposed OCC general order be also placed on the agenda for the same time.

APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETINGS OF MARCH 16th, 23rd, AND MARCH 30, 2005

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to approve the minutes. Approved 7-0.

COMMISSION ANNOUNCEMENTS

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks stated that there should be an OIS summary that was due July 31st.

Commissioner Chan asked for a status report in regards to cameras placed on two points at the Western Edition.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:34 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

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REGULAR MEETING
WEDNESDAY, AUGUST 10, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on the Graffiti Abatement Program

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload
   c. Presentation of 2nd Quarter 2005 Early Warning System Report

4. Discussion and possible action regarding revised General Order 2.08, "Peace Officers' Rights" (ACTION ITEM)

5. Discussion and possible action regarding Resolution on monthly reports by the OCC on pending policy recommendations and Department General Orders under review and revision (ACTION ITEM)

6. Discussion and possible action to approve revisions to the Police Commission Rules of Order (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

AUGUST 10, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

PUBLIC COMMENT

Barry Toronto, taxicab driver, discussed concerns regarding not having 10-B officers to work construction sites.

Shannon Altamirano discussed concerns regarding closed session held regarding an officer taking pictures of Director Allen.

Lorraine Altamirano discussed concerns regarding an officer taking pictures of Director Allen.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Report on the Graffiti Abatement Program

Chief Fong asked Officer Putz to give a presentation on the Graffiti Abatement Program and also present is the Director of DPW.

Officer Putz reported on the Graffiti Abatement Program. He stated that the Department have recently acquired cameras that are going to help document the vandalism in the City. The cameras are going to go to designated officers in all the stations. The officers will receive training in September on how to document it so that more cases can be brought forward to the District Attorney.

Commissioner Chan asked about report writing, flyers, and where the public can go online to report and get information. Officer Putz stated that the Graffiti Advisory Board, in working with Viacom, is exploring an anti-graffiti ad campaign and perhaps internet reporting can be incorporated in that campaign. He stated that information is available at the stations to let people know that they can file reports online and also on the SFPD website.

Commissioner Chan asked if the brochure and the form of the report be printed in other languages. Officer Putz stated that it will be in multiple languages.

Commissioner Chan asked if any of the graffiti are hate-related. Officer Putz stated that most of the graffiti is not hate related. There are hateful writing and gang-related graffiti but most of the graffiti that's in the City are just straight vandalism.

Commissioner Chan asked whether or not Patrol Specials are going to part of this program. Officer Putz stated that Patrol Specials have been of great assistance in making the arrests or taking the reports and just being there when officers are not present but Officer Putz stated that he has to defer to the Command Staff as to whether Patrol Specials can be part of the training.

Commissioner Orr-Smith asked about penalties. Officer Putz stated that for adults, first time offenders receive, if the case if filed in criminal court, they will receive 96 hours of community service for the first offense. If they pick up a second offense while they are still working on the 96 hours from the first offense, the second offense is combined with the first offense and there wouldn't be additional punishment outside of restitution. If the first offense where they have done the 96 hours, the arrest is removed from their record and

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is shown as a detention only not an arrest. If they pick up another offense, it will be their second time, they might pick up restitution with community service, possibly probation. The community service is 96 hours of removing graffiti.

Mr. Mohammed Nuru, DPW, thanked the Department for the great work done in the graffiti battle. Mr. Nuru announced that DPW has a "28 Clean" line. This is a number where people can call whenever they see any kind of quality of life issue. There is approximately 1000 calls per month just for graffiti. In total damage, Mr. Nuru stated that they estimate in excess of $20 million a year of graffiti clean up that happens among the agencies and private properties.

Commissioner Orr-Smith asked if there are any artistic outlets for the people who do graffiti. Mr. Nuru stated there is a process for public art.

Commissioner Chan asked what is the role of DPW in regards to settlements. Mr. Nuru stated that DPW's role as it relates to private properties is to enforce the ordinance and to encourage the property owner to abate the problem. If the property owner is unable to abate the problem due to hardship or other reasons they can ask for a hearing and the Director will determine whether the Department should help. If the property owner does not clean up the property, then the Department seeks permission to go in and abate the problem at a cost. Mr. Nuru also stated that the tracking of individuals are better because they have a better tracking system on the DA's side.

Commissioner Marshall thanked Officer Putz and Mr. Nuru for their efforts.

Chief Fong announced that last Friday, the Department participated with the Mayor and Supervisor Mirkirimi in announcing the new Community Connect Initiative of which community policing is one component. Chief Fong also stated that on Monday, the Department participated at the Government Audit's Committee of the Board of Supervisors speaking about community policing.

Chief Fong updated the Commission in regards to the camera inquiry from last week. Chief Fong stated that it will be two weeks tomorrow in which the Emergency Communications Department (ECD) installed two cameras in the Western Edition. This is a 90-day pilot project and at the end of the 90 days, the City will evaluate the benefits of the cameras, both from a community involvement and community response concern, as well as in terms of the effectiveness. These cameras are not monitored and are not sound activated. These cameras are just rolling 24 hours a day and the footage is secured in the ECD and that is only accessible through their custodian of records.

Commissioner Veronese asked if it has to be a misdemeanor or felony for access to the tapes. Chief Fong explained that it will be documented and the case assigned to the Investigations Bureau it would be a serious incident and they would pursue the request.

Commissioner Marshall asked about an article in regards to an "epidemic" of homicides in the Western Edition. Chief Fong stated that the Department often responds to inquiries about incidents, whether it's a homicide or something else, and obviously, one homicide is one too many and everyone in the Department has worked very hard to reduce the level of violence. Tragically, three occurred in a very close area in a short period of time and the Chief stated that she doesn't know who used the word "epidemic" but three homicides is three too many.

PUBLIC COMMENT:

Mr. David Heller thanked the Commission and the Department for their help in dealing with graffiti. Mr. Heller asked the Commission for help in talking with the judges.

Commissioner Orr-Smith acknowledged the presence of Supervisor Mirkirimi in the audience and thanked him for attending the meeting.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Status Report on current OCC cases and OCC investigators' caseload

c. Presentation of 2nd Quarter 2005 Early Warning System Report

Director Allen reported on the current OCC cases and OCC investigators' caseload.

Commissioner Renne asked how many OCC investigators. Director Allen stated currently there are 15 full time investigators. Director Allen stated they have the ability to have outside employment as long as there is no conflict of interest. Commissioner Renne stated that she would like to know how many investigators take outside employment, how often they actually report to the Director, and what the rules for outside employment are for the investigators. Director Allen stated he will get that information for the Commission.

Commissioner Sparks asked what case weight means. Director Allen explained that because they have a division in how people handle cases, they have cases that comes in and is referred to the Sheriff's Department or the Department of Public Works, it is a very small case. So if an investigator has an abundance of those cases, he might have 30 or 40 cases but they are very easy cases to work. Whereas a shooting case would be a longer case and could be more extensive and the investigation would take a lot more. So the OCC assigned case weights. One point will go to cases that are referred to other agencies. Two points would go to a case that involves members' response forms and so the weights would go up accordingly.

Commissioner Sparks asked for a report that have cases that are approaching the 11th or 12th month time frame. She asked for a report on how many cases are at the 10th, 11th, or approaching the 12th month. Director Allen stated that he can do an 8th month report for the Commission monthly.

Commissioner Veronese stated that he is concern that some investigators have more than 40 cases assigned to them for just the year 2005. Director Allen explained that the intake investigators see every case that comes through.

Commissioner Sparks asked for the same report based on all cases that are out to investigators just to see what their caseload are.

Director Allen continued with his report and presented the 2nd Quarter 2005 Early Warning System Report.

Commissioner Veronese asked what are the things the Commission should be looking for in gauging which officers should be flagged and which ones shouldn't be flagged. Director Allen explained that it would be any officers who has received a complaint within the quarter and if they have received three or more complaints then their names go on to this report. This report is then given to the Chief and to MCD and then to the Captains. The Captains can then go into the officer's PIP binder and the officer is then counseled.

Commissioner Veronese would like a report on the top 50 officers with

the most overtime and the number of complaints for each of the officers. Commissioner Veronese asked for the statistical data only.

Commissioner Sparks asked that information be sent to the Commission before the meeting and not on the day of the meeting. Director Allen stated that he will send the reports in advance.

Commissioner Renne will talk with the City Attorney's office to see if the report can be summarized or have the names redacted.

Commissioner Renne stated that she is interested in seven complaints with no further action because of statute of limitations. Director Allen said he will look into those cases.

PUBLIC COMMENT

Mark Schlosberg, ACLU, discussed concerns that the Early Warning System needs to be revised as soon as possible.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, stated that if report is in a redacted form then it can be available to the public. She also discussed concerns in regards to witness intimidation by police officers.

DISCUSSION AND POSSIBLE ACTION REGARDING REVISED GENERAL ORDER 2.08, "PEACE OFFICERS' RIGHTS"

Commissioner Sparks asked what recourse the officer has if an officer feels he's been wronged or subjected to some type of abusive language, punitive action or whatever during the investigation. What recourse does officer has to report that for a follow-up investigation or for the officer to get some type of resolution on what he felt might be abusive action.

City Attorney Lori Giorgi explained that under the Peace Officers' Bill of Rights, the officers have a right to petition the court through a writ proceeding to enforce their rights under the Peace Officers' Bill of Right. That could also be done in terms of any objections that would be made from any disciplinary that might flow from any investigation.

Commissioner Sparks stated that the Commission might want to revisit whether or not it would be appropriate to actually codify some kind of procedure that an officer would have in following up on those kinds of potential problems.

Commissioner Chan suggested that on Rule I.A.4., that the appropriate appellate citation be inserted in place of the word "decision." Commissioner Chan also asked that the last two sentence of this rule be clarified.

Commissioner Renne stated that Lybarger deals with the rights of the employees.

City Attorney Lori Giorgi stated that the language is taken directly from the Peace Officers' Bill of Rights and stated that all that's being done here is to amend it to add the requirement, which has been long standing with the department, to EEO investigations.

PUBLIC COMMENT

None

Motion by Commissioner Orr-Smith, second by Commissioner Keane to approve with change to include the official Lybarger citation.
Approved 7-0.

RESOLUTION NO. 53-05

APPROVAL OF REVISED DEPARTMENT GENERAL ORDER 2.08, "PEACE OFFICERS' RIGHTS"

RESOLVED, that the Police Commission adopts revised Department General Order 2.08, "Peace Officers' Rights" with the addition of the official citation for Lybarger v. City of Los Angeles:

Section I.A.4. should read as follows:

"If the investigation is administrative, the officer must answer all questions posed during the administrative investigative investigation. Statements made during an administrative investigation cannot be used against an officer to prove a criminal violation in a subsequent criminal action against the officer (Lybarger v. City of Los Angeles, 40 Cal.3d 822 (1985)). All statements, declaration, or answers to questions regarding the investigation, however, shall be truthful and non-evasive. Members failing to do so shall be subject to disciplinary action."

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION ON MONTHLY REPORTS BY THE OCC ON PENDING POLICY RECOMMENDATIONS AND DEPARTMENT GENERAL ORDERS UNDER REVIEW AND REVISION

Commissioner Sparks asked that this item be continued for a week.

PUBLIC COMMENT

Mark Schlosberg, ACLU, recommends that if it's going to be put over, put it over to a specific date.

Motion by Commissioner Sparks, second by Commissioner Keane to table this item and refer same to the City Attorney's Office and continue it for the first meeting in September. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISIONS TO THE POLICE COMMISSION RULES OF ORDER

PUBLIC COMMENT

None

Motion by Commissioner Marshall, second by Commissioner Veronese to approve revisions to the Police Commission Rules of Order. Approved 7-0.

RESOLUTION NO. 54-05

APPROVAL OF REVISIONS TO THE POLICE COMMISSION RULES OF ORDER

RESOLVED, that the Police Commission adopts the revised Police Commission Rules of Orders, which states as follows:

SAN FRANCISCO POLICE COMMISSION RULES OF ORDER

Chapter 1 - Definitions

The following terms, whenever used or referred to in these Rules, shall have the following respective meanings, unless a different meaning is clearly made

apparent by the context:

A. "Administrative Code" shall mean the San Francisco Administrative Code.

B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Commission.

C. "Charter" shall mean the Charter of the City and County of San Francisco.

D. "Commission" shall mean the Police Commission of the City and County of San Francisco.

E. "Committee" shall mean the Police Commission of the City and County of San Francisco.

F. "Member" shall mean a member of the Commission.

G. "Open Meetings Laws" shall mean California Government Code Section 54950 et seq. (commonly known as the 'Brown Act') and San Francisco Administrative Code Chapter 67 (commonly known as the 'Sunshine Ordinance').

H. "President" shall mean the President of the Commission.

I. "Rules" shall mean the Rules of Order of the Commission.

J. "Secretary" shall mean the Executive Secretary of the Commission.

Chapter 2 - Organization and Meetings

Rule 2.1 - Adoption of Rules of Order. The Rules of Order (Rules) shall be adopted by motion carried by an affirmative recorded vote of a majority of the members of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The President may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2 - Amendment to Rules. All proposed amendments to the Rules shall be by motion and shall require an affirmative vote of a majority of the members of the Commission.

Rule 2.3 - Election of Officers. At the last regular meeting of the Commission held before the 30th day of May of each year, or at a prior meeting, the date of which shall be fixed annually by the Commission, the members of the Commission shall elect from among their number a President and Vice President of the Commission, each to serve for a term beginning on the date of the first regular or special meeting held after the 30th day of May, and ending one year thereafter or until the election of a new President or Vice President. *(amended 01/05/05)*

Rule 2.4 - Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meeting of the Commission shall be held at 5:30 p.m. every Wednesday of the month in Room 400 at the San Francisco City Hall. All proceedings shall be conducted in conformance with the San Francisco Charter, the Brown Act, and the Sunshine Ordinance. Acts by the Commission shall be expressed by motion or resolution.

Rule 2.5 - Parliamentary Procedure. The Rules of parliamentary procedure as set forth in *Robert's Rules of Order* shall govern all meetings of the Commission unless otherwise provided herein.

Rule 2.6 - Alternative Meeting Place. In the event the regular meeting place is unavailable, the President shall designate some other appropriate place as its temporary meeting place.

Rule 2.7 - Special Meetings of the Commission. The President, subject to the requirements of the Brown Act and Sunshine Ordinance may call a special meeting of the Commissioners.

Rule 2.8 - Quorum. The majority of the members of the Commission constitutes a quorum for the transaction of business.

Rule 2.9 - Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of all members of the Commission. All members present shall vote for or against each question brought to a vote unless a member is excluded from voting by a motion adopted by a majority of the members present.

Rule 2.10 - Rights of Members Less Than Quorum. In the absence of a quorum no information may be presented and no official action shall be taken by the members present except to order a call of the Commission, to reschedule the same meeting, to recess or to adjourn.

Rule 2.11 - President. The President shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to the office. The President may create such committees to perform such advisory functions as he/she shall determine, and may appoint and remove as his/her pleasure, members from such committees.

Rule 2.12 - Vice President. In the absence or inability of the President to act, the Vice President shall take the place and perform the duties of the President.

Rule 2.13 - Agenda Items. Any agenda item submitted to the Secretary for inclusion on the agenda of a regular or special meeting must be approved by a Commissioner, Deputy Chief, Assistant Chief or the Chief of Police. Items submitted by the Office of Citizen Complaints must be approved by the OCC Director. All items must be submitted before the close of business on the Thursday preceding a regular Commission meeting. The Secretary shall promptly inform the President of all such submitted agenda items. If the President determines that in the interest of maintaining a meeting of reasonable length, such item should not be included on the agenda for the meeting for which the item was submitted, such item may be omitted but shall be included on the agenda of the next regular meeting or of a special meeting. Except as provided by the Brown Act or Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Commission may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.14 - Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by the Department, a committee of the Commission or considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission or the public so requests, in which event the Commission shall remove and consider those items separately.

Rule 2.15 - Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded promptly to the Mayor and members of the Commission, as provided by Section 4.102.9 of the Charter.

Chapter 3 - Rules of Conduct

Rule 3.1 - Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. In addition, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The President may set a reasonable time limit for each speaker, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item.

Rule 3.2 - Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity and/or yelling or screaming. Commissioners find it difficult to give serious consideration to any comments addressed in such a fashion. Members of the public should address their questions or remarks to the Commission. Neither Police personnel, OCC personnel nor Commissioners are required to respond to questions expect when requested to do so by the President. Individual Commissioners and Police personnel should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 - Audience Conduct. Persons in the audience may not express vocal support or opposition to statements made by members of the public, Police Department or OCC staff addressing the Commission. Applause and booing are prohibited. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission hearing room; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 3.4 - Permission to Remove Disruptive Persons. The President shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

(A) Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission Rules governing meetings;

(B) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting;

©) Disobedience of any lawful order of the Commission President, which shall include an order to be seated;

(D) Any other unlawful interference with the due and orderly course of the meeting.

In addition to effecting the removal of any person or persons from the meeting who, in the opinion of the President, has violated the order and decorum of any meeting, the President may request Police personnel to place such person(s)

under arrest for violation of Section 403 of the California Penal Code or any other applicable law, and may cause such person or persons to be prosecuted therefor, the complaint to be signed by the President or the Commission Secretary.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

COMMISSION ANNOUNCEMENTS

Commissioner Renne stated that she had a discussion with Sgt. Reilly regarding the backlog in minutes. Commissioner Renne stated that all of the meetings are televised and what is done with the minutes far exceeds what is required by the Sunshine Act and because of the backlog, it would be best to have the minutes conform with the Sunshine Act to get rid of the backlog.

Sergeant Reilly stated that a DVD copy can also be produced and available at the Commission office.

Commissioner Veronese thanked the Chief for her participation with the CLEAR Project.

Commissioner Veronese also stated that he met with the Italian tourists who were victims of a horrible incident in their hotel room and thanked the Chief on behalf of the tourists for the Department's help.

Commissioner Veronese also asked for a report if the Department or the City has a fund procedure for helping tourists that are faced with the same situation.

Commissioner Chan made the following statement:

"Madame President, I appreciate the privilege of sharing with my colleagues, the Command Staff, and public a very brief recitation of a small part of the rich history of the Department.

As many of you know, Monday, August 15, will mark the 60th Anniversary of the acceptance by President Harry Truman of the naval, air and land forces of the empire of Japan, that is, their surrender, and the end of the Second World War. The end of the war had special significance to members of my extended family who endured several years of occupation in Asia.

V-J Day also marked the close of an extraordinary chapter in the history of the San Francisco Police Department. Members of this Department answered the call to service to their country. According to local historian John Garvey, the July 1942 cover of the Police Journal featured 16 faces of police officers who had gone off to serve. Later that year, in October 1942, the Journal would report that 54 members were serving in the military and that by year's end, more than half of the City's regular police officers entered the service in that very first year. As observed by a comment in the San Francisco museum.org website, 'they were soon followed by the married officers and fathers of young families.'

Such that by the war's end, the Police Journal, in its October 1945 issue, reported that during the war police auxiliaries worked long hours to make up for the loss of 400 members who had entered the armed forces during the conflict.

At home, the City's depleted police force faced unprecedented law enforcement challenges resulting from the massive influx of service personnel and defense workers to the Bay Area. Ironically, the announcement of the

Japanese surrender itself triggered a wave of looting and vandalism our City that took regular and auxiliary police officers three days to bring under control.

Together, the service of those members of the Department, at home and abroad, during World War II fulfilled the highest traditions of the force, and they are worthy of remembrance this evening as part of the rich history of the San Francisco Police Department and this City.

Further, the additional note I wanted to make, I had the privilege of attending the Mayor's press conference announcing the role out of the new community policing initiative and I was impressed of course by the presence of the District Captains and other members of the Command Staff and I wanted to add that I think this Commission and the City are truly fortunate to have a Police Chief who is eloquent in her articulation of what her vision and the Department's vision is for a truly effective community policing program. It was an impressive performance, a tour de force, and I think we're indeed fortunate to have a law enforcement official of this caliber serving the people of the City and County of San Francisco. That concludes my remarks this evening."

PUBLIC COMMENT

Unidentified discussed concerns about being traumatized in the city.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

PUBLIC COMMENT

None

Motion by Commissioner Orr-Smith, second by Commissioner Keane to adjourn the meeting. Approved 7-0.

Thereafter, the meeting was adjourned at 7:45 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 17, 2005
5:30 p.m.

DOCUMENTS DEPT.

AUG 15 2005

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CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

08-15-05A10:30 RCVD

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Hearing on the disciplinary charges filed against Officer Anthony D. Nelson (File No. C04-074 EGF, filed 05/11/04), discussion and possible action to dispose of the charges (ACTION ITEM)

   The following time limits will apply:
   OCC's Opening Argument: Up to 40 minutes
   Charged Officer's Opening Argument: Up to 40 minutes
   OCC's Closing Argument: Up to 15 minutes

The Commission may decide to consider Item No. 2, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b).

CLOSED SESSION

3. Public Comment on all matters pertaining to Closed Session

4. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

5. Closed Session pursuant to Government Code Section 54956.9 and 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) & (d) (ACTION ITEM)

   a. Disciplinary Charges filed against Officer Anthony D. Nelson (File No. C04-074 EGF)

   CONFERENCE WITH LEGAL COUNSEL
   b. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
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DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

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Secretary

REGULAR MEETING
WEDNESDAY, AUGUST 17, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

RECONVENE TO OPEN SESSION

6. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

7. Approval of Consent Calendar (ACTION ITEM)

8. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

9. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

10. Commission Announcements (DISCUSSION ONLY)
    a. Discussion of the function of the General Orders Review Committee

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

CONSENT CALENDAR

1. Request of the Chief of Police to accept the following gifts from the San Francisco Clean City Coalition Executive Director Gia Grant, valued at $6,239.45, for the SFPD Graffiti Abatement Unit: 1 Sony Vio Laptop computer; 5 Sony Digital Cameras; 5 Sandisk Memory Sticks; 2 Dynex 7 port USB Hub; 1 Optoma Projector; 1 Kensington Wireless Presenter; 1 Microsoft Wireless Mouse; 1 GS 4 to 4 pin Fire Cable; 1 Sony DCR-HC21 Video Camera; 1 package Sony Mini DV Tapes; 1 HP6210 Printer; 1 16' USB Cable; 1 Dazzle Creater Program; and 1 Dynex External Floppy

2. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   a. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
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PETER KEANE
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DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR. CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 17, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall
ABSENT: Commissioners Sparks, Veronese

PUBLIC COMMENT

Lorraine Altamirano discussed concerns regarding the Sheila Detoy matter.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST OFFICER ANTHONY D. NELSON (FILE NO. C04-074 EGF, FILED 05/11/04), DISCUSSION AND POSSIBLE ACTION TO DISPOSE OF THE CHARGES

(The Nelson proceedings were taken in shorthand form by Ms. Dawn Sandler, CSR., Roomian & Associates.)

and

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 5496.9 AND 54957(b)(1) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b) & (d)

a. Disciplinary Charges filed against Officer Anthony D. Nelson (File No. C04-074 EGF)

CONFERENCE WITH LEGAL COUNSEL
b. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Unidentified, Libertarian Party SF, discussed concerns that matters in regards to police discipline be discussed in Open Session.

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Keane, second by Commissioner Orr-Smith to hold Closed Session. Approved 5-0.

a. Disciplinary Charges filed against Officer Anthony D. Nelson (File No. C04-074 EGF)

CONFERENCE WITH LEGAL COUNSEL
b. Raymond Nario v. CCSF et. al., USDC No. C05-1394 JSW

HEARING OF OFFICER ANTHONY D. NELSON, SOUTHERN (FILE NO. C04-074 EGF)

Ms. Susan Leff, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony D. Nelson appeared in person and was represented by Mr. Leland Davis, III, Attorney at Law.

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The Commission deliberated and returned with the following decisions:

The Commission finds that the allegations contained in Charge Nos. 1 and 3 as preferred by the Chief of Police against Officer Anthony D. Nelson are not sustained; *(The Commission voted at follows in regards to Charge No. 1: Commissioner Renne, Aye; Commissioner Chan, No; Commissioner Orr-Smith, No; Commissioner Marshall, Aye; Commissioner Keane, No. (The Commission voted as follows in regards to Charge No. 3): Commissioner Renne, No; Commissioner Chan, No; Commissioner Marshall, No, Commissioner Orr-Smith, No; Commissioner Keane, No.)*

The Commission finds that the allegations contained in Charge No. 2 as preferred by the Chief of Police against Officer Anthony D. Nelson are sustained; *(The Commission voted as follows in regards to Charge No. 2): Commissioner Renne, No; Commissioner Chan, Aye; Commissioner Marshall, Aye; Commissioner Keane Aye; Commissioner Orr-Smith, Aye*;

The Commission asked the Chief for a recommendation with regard to the sustained charge. Chief Fong stated that she will be ready with a recommendation by next week.

Commissioner Renne asked that the matter be continued for next week for disposition and asked the City Attorney to draw up the findings.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12 (a))

Motion by Commissioner Chan, second by Commissioner Marshall for non disclosure. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Chan, second by Commissioner Keane to approve the Consent Calendar. Approved 5-0.

RESOLUTION NO. 56-05

RAYMOND NARIO v. CCSF et. al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Raymond Nario v. CCSF & Reynaldo Vargas" in United States District Court Case No. C05-1394 JSW, be, and the same are hereby approved.

Date of Incident: October 20, 2002

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall
ABSENT: Commissioners Sparks, Veronese

RESOLUTION NO. 57-05

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT GIFTS FROM THE SAN FRANCISCO CLEAN CITY COALITION EXECUTIVE DIRECTOR GIA GRANT, VALUED AT $6,239.45, FOR THE SFPD GRAFFITI ABATEMENT UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept the following gifts from the San Francisco Clean City Coalition Executive Director Gia Grant, valued at $6,239.45, for the SFPD Graffiti Abatement Unit: 1 Sony Vio Laptop computer; 5 Sony Digital

Cameras; 5 Sandisk Memory Sticks; 2 Dynex 7 port USB Hub; 1 Optoma Projector; 1 Kensington Wireless Presenter; 1 Microsoft Wireless Mouse; 1 GS 4 to 4 pin Fire Cable; 1 Sony DCR-HC21 Video Camera; 1 package Sony Mini DV Tapes; 1 HP6210 Printer; 1 16' USB Cable; 1 Dazzle Creater Program; and 1 Dynex External Floppy

AYES:	Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT:	Commissioners Spark, Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong reported on incidents that happened in the Mission District where two officers were injured during an anti war demonstration. Chief Fong stated that she has done a review for the sole purpose of strengthening not only officers' safety but citizens' safety during these demonstrations. Based upon this review, the Chief made the following recommendations, some of which have been instituted and some which will be instituted in the days to come. The following recommendations are:

(1) Prior to any event such as a march or demonstration, it's important to preplan and to come up with contingency plans in order to address the fluidity of the demonstration.

(2) The expansion of training at the unit level in terms of crowd control as well as crowd management.

(3) The event commander should have an overview, global perspective, what is occurring in terms of the march or demonstration.

(4) Safety Equipment for the officers.

(5) Ensure that officers assigned to patrol duties in a district are updated on special events that are occurring in their district.

(6) Dispatching officers on patrol to calls for service. On a normal basis, an officer arrives at a call for service and they can press a button on their computer that tells dispatch that they are on scene. Whenever an officer or a patrol unit is assigned to a call that is in a general vicinity of where a special event may be occurring or may have some relationship to that special event, the Department will require that the officers announce that they are on scene over the radio.

(7) The permit process is another area. In the Municipal Police Code there is a provision for permits for marches for parades. However, there's been a lot of questions about what constitutes a First Amendment Right to free speech and what is the requirement that says you must obtain a permit.

(8) The Chief stated that she will seek funding to put in-car video cameras in all of the fleet, in not only the radio cars but also the unmarked units.

Commissioner Orr-Smith stated that in-car video cameras are a key tool that the department can use to protect its officers and to monitor events. Commissioner Orr-Smith asked how the investigation is going. Chief Fong stated that the Department is still attempting to identify those people who were at the scene of the attack and the Department is working diligently on following up on leads that have come in.

Commissioner Marshall suggested that on the reporting form with

regard to whether an injury occurred, there is a yes or no. Commissioner Marshall suggested that there should be an I don't know added to that because that was part of testimony in this particular case. Commissioner Marshall also suggested that language in regards to procedures on the use of a baton should be reconciled because it was confusing. Chief Fong stated that she will review the Crowd Control Manual to make sure that language is consistent with what officers are being taught. Chief Fong also stated that with regards to the Use of Force Log, there now is an "Unknown" box.

Commissioner Chan expressed his appreciation to the Chief and the Command Staff for approaching the aftermath of the incident in a serious and thoughtful way.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated that he wants Chief Fong to know that the OCC is available and that if she needs information from the OCC, they are available.

Director Allen commended Attorney Susan Leff and Attorney Jean Field for jobs well done.

Commissioner Orr-Smith thanked Ms. Leff for a great presentation.

PUBLIC COMMENT
None

COMMISSION ANNOUNCEMENTS

a. Discussion of the function of the General Orders Review Committee

Commissioner Renne explained that the purpose of sending the memo was to give an outline and some suggestions of the way in which the Committee ought to move forward.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Chan asked for a report from the Arson Detail in regards to the nature of its functions.

Sergeant Reilly announced that on August 31st, the Commission will meet in the Ingleside District, James Denman Middle School, 241 Oneida Avenue, at 6 p.m.

PUBLIC COMMENT
Steve Currie, Outer Mission Residence Association, stated that his group voted unanimously to support the Police Department and encourage Mayor Newsom to put in more surveillance cameras throughout the city and asked for a presentation from the Department in regards to surveillance cameras in the Ingleside District.

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:08 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
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GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 24, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Public Comment
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to approve the recommendation of the Chief of Police and impose discipline in the matter of Officer Anthony D. Nelson (File No. C04-074, EGF), (filed 5/11/04) (ACTION ITEM)
   a. Adoption of findings regarding the sustained charge and discipline imposed (ACTION ITEM)

The Commission may decide to consider Item No. 2, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Vote on whether to convene in Closed Session
c. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the held in closed session pursuant to S.F. Administrative Code section 67.12(a)

3. Discussion and possible action to re-calendar the disciplinary charges filed against Officer Gary W. Hazelhofer, (File No. C03-118 JWA),(filed 03/18/04), and assign them to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner. (ACTION ITEM)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Discussion and possible action to adopt revised General Order 3.10, "Firearm Discharge Review Board" (ACTION ITEM)

7. Discussion and possible action to adopt revised General Order 8.11, " Officer-Involved Shootings" (ACTION ITEM)

8. Commission Announcements (DISCUSSION ONLY)

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 24, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Ingleside District, James Denman Middle School, 241 Oneida Avenue, San Francisco, at 6:00 p.m., on Wednesday, August 31, 2005, to hear comments from the public and Ingleside Captain Paul Chignell concerning public protections issues in the Ingleside District.

2. At its September 7, 2005 meeting, the Commission will consider amendments to the Rules and Procedures for Patrol Special Officers and Their Assistants , (amended November 10, 1999) at rule 3.03 l. The new language to be considered appears below.

   l. Annually present evidence of insurance in the following amount:

      1. Worker's Compensation for the Patrol Specials and their employees, in statutory amounts, with Employers' Liability limits not less than $1,000,000 each accident.

      2. Commercial General Liability insurance with limits not less than $1,000,000 each occurrence, Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, liability for assault and battery, false arrest, false imprisonment, malicious prosecution, libel and slander, and invasion of privacy.

      3. Combined Automobile Liability Insurance with limits not less than $1,000,000 each occurrence, Combined Single Limit for bodily injury and property damage , including Owned, Non-owned and Hired auto coverage, as applicable.

      4. Commercial General Liability Insurance with limits not less than $1,000,000 for property damage.

      ****

      Each of said policies of insurance shall contain a clause substantially in the following words:

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*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 24, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Orr-Smith, Veronese

PUBLIC COMMENT

Francisco DeCosta announced that Captain Bruce of the Bayview has retired and commended the Captain for his work with the youths in the Bayview.

Patricia Atolic, Police Observers Working to Effect Reform (POWER), discussed concerns regarding the case of Officer Nelson.

Resident of Western Edition discussed concerns regarding not getting immediate response from the police.

DISCUSSION AND POSSIBLE ACTION T RE-CALENDAR THE DISCIPLINARY CHARGES FILED AGAINST OFFICER GARY W. HAZELHOFFER, (FILE NO. C03-118 JWA) AND ASSIGN THEM TO AN INDIVIDUAL COMMISSIONER FOR TAKING OF EVIDENCE ON A DATE TO BE DETERMINED BY THE COMMISSIONER

Taken out of order.

Motion by Commissioner Chan, second by Commissioner Keane to recalendar disciplinary charges filed against Officer Hazelhoffer. Approved 5-0.

RESOLUTION NO. 58-05

RE-ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER GARY W. HAZELHOFER (FILE NO. C03-118 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Gary W. Hazelhofer, Star No. 381, Medical Liaison, was called it having been set for this date; and

WHEREAS, Commissioner Peter Kean is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gary W. Hazelhofer; therefore be it

RESOLVED, that Commissioner Peter Keane is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gary W. Hazelhofer, and is to be set at a later date.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Orr-Smith, Veronese

The Commission recessed from 6:00 to 6:12 p.m.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong stated that there are two update reports tonight. One is the Auto Theft update and secondly, Captain Keohane will give an update on the revision of General Order 3.19, Early Warning System. Chief Fong stated that the DGO will be calendared for the first week in September for a more

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comprehensive presentation.

Lieutenant Mike Biel, Auto Detail, described the duties and responsibilities of the Auto Detail. Auto Detail investigates auto theft and auto burglary. Lt. Biel stated that the average is 7500 cars stolen per year. The Auto Detail recovered 94 percent of vehicles that were stolen.

Commissioner Chan asked about a new technology which uses infra red scan of license plates and how much per car to deploy this technology. Lt. Biel stated that somewhere between $17,000 to $20 thousand per vehicle.

Commissioner Chan asked about the export of stolen cars and asked if this is a problem in San Francisco. Lt. Biel stated that it is a problem in San Francisco but it is exported out of Oakland. Lt. Biel stated that he cannot comment on the investigation because it is ongoing.

Commissioner Sparks stated that several years ago she had a car stolen and it was recovered but she was not notified for at least a couple of weeks after it was recovered which substantially increased the storage fees. Commissioner Sparks asked what is the process that the Department uses in notifying owners of car once they're recovered and how many times are they contacted. Lt. Biel explained that when a car is recovered on the street, the owner is contacted, if the phone number is available for that owner, they are contacted immediately. They are given 30 minutes to come to the location to pick up their vehicle. If they are unable to respond, the vehicle is towed and then they are notified by mail that their vehicle has been recovered. The vehicle is kept continually by the tow company and there will be continued notifications until the owner picks up his vehicle.

Captain Keohane gave a brief update on the progress the Department is making in addressing DGO 3.19, Early Warning System. The Department is proposing that from the weekly morning reports from the OCC, commanding officers will forward those immediately to the first line supervisor of the officer whose responsibility will be to put those notifications in the member's PIP file and/or personnel file immediately. As they put this in the file, they will know firsthand when the person has reached that threshold. It will be their responsibility to notify the commanding officer and at this time the appropriate counseling and/or performance review session will take place. The Department will still rely on the quarterly reports from the OCC as a control measure to insure that those performance evaluations and/or counseling sessions have occurred.

Captain Keohane stated that the Commission will have this document in the first week of September for a more thorough review.

Captain Keohane talked about the new order, Early Intervention System, the Department meets biweekly with the committee to discuss the direction the Department wishes to take this. On the alternate week, the Department meets with the POA to discuss where it's going and to get feedback on their issues. Captain Keohane stated that he's been in touch with the ACLU and have been keeping them apprised of where the Department is heading with the order. He's also been keeping Director Allen informed, of not only the past order, but the current order.

Commissioner Sparks asked what is the date of having the revision of the current Early Warning System in operation. Captain Keohane stated that copies have been provided to the OCC and the POA. He will address the Command Staff tomorrow afternoon and should be in front of the Commission for discussion in two weeks.

Commissioner Sparks asked reports of the Early Warning System.

Director Allen stated that he has delivered the most current to the Commission and will deliver the information on a disk to the commanders so that information can be distributed. Director Allen stated that the old system is being used now and they are up to date. Captain Keohane explained that the morning reports are going to the stations and they are placed on the member's PIP files. Captain Keohane explained that the orders are going into the members PIP filed but there is no written order to initiate the performance review at this time. This is what this new order will generate so that it will be more timely.

PUBLIC COMMENT

Malaika Parker, Bay Area Police Watch, asked for what's going on with the Chase Policy because of a chase that happened in the Fillmore.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, asked if the new technology that Lt. Biel had talked about would prevent unnecessary police chases.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen explained that in light of recent charges that they filed, their policy analyst is looking at the pursuit policy now.

Commissioner Renne asked for information requested by the Commission in regards to cases where the statute to limitations have not been met. Director Allen stated that he will get the information to the Commission.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED GENERAL ORDER 3.10, "FIREARM DISCHARGE REVIEW BOARD"

Commissioner Renne stated that the Commission received a letter from the OCC and the ACLU asking that this item and the following item be continued when the full Commission will be present.

Motion by Commissioner Keane, second by Commissioner Sparks to continue this item. Approved 5-0.

Commissioner Sparks asked the City Attorney to meet with the OCC to explain what the changes are.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED GENERAL ORDER 8.11, "OFFICER-INVOLVED SHOOTINGS"

Motion by Commissioner Keane, second by Commissioner Sparks to continue this item. Approved 5-0.

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will hold its community meeting in the Ingleside District, James Denman Middle School 241 Oneida Avenue, San Francisco, at 6 p.m. on August 31, 2005.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks asked that the OCC report on every policy that's pending every week so that the Commission can be kept up to date.

Commissioner Chan would like an update from the Command Staff as to what steps are being taken in moving the crime lab from Hunters Point.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE RECOMMENDATION OF THE CHIEF OF POLICE AND IMPOSE DISCIPLINE IN THE MATTER OF OFFICER ANTHONY D. NELSON (FILE NO. C04-074 EGF)

Taken out of order.

Commissioner Renne announced that Commissioner Orr-Smith is ill and Commissioner Marshall is detained and there is no quorum to hear this matter at this time. Commissioner Keane will not be present on September 7th. Commissioner Renne stated that this item will be continued on September 14th and would like to hear from both counsels their argument on whether or not this Commission can consider the following evidence in terms of imposing discipline. The evidence falls into three category. (1) The first category will be evidence that were proffered at the Commission hearing but was put in a sealed transcript. (2) The OCC multiple card that provides the incidents in which Officer Nelson was involved. (3) The use of force logs that were not introduced as evidence before the Commission last week.

Commissioner Renne asked that the arguments that she would like the Commission to hear are whether or not those items can be considered as evidence, all three categories whether they can be considered into evidence and if so, whether or not the OCC would intend to proffer them into evidence in terms of determining appropriate discipline for Officer Nelson on the charge that was sustained by the Commission. That will be scheduled for September 14th, and if the parties wishes to present written materials to the Commission prior to that time, those materials be submitted in sufficient time before September 14th.

Commissioner Keane recollects, as hearing officer, that the use of force logs were offered and received as evidence as exhibits. The use of force logs for the whole day was not admitted but the use of force logs as they related to the incident at 4th and Market, having to do with Officer Nelson, those were admitted into evidence.

Commissioner Renne stated that there is no quorum so that it cannot be discussed.

Commissioner Keane, in order to clarify the record, stated that there is a sealed portion of the transcript of the matter of Officer Nelson which is clear from the transcript itself that all the Commissioners were given that he sealed part of the transcript and that was an in-chamber discussion after a proffer by Ms. Leff of matters relating to Officer Nelson's disciplinary record. He went through all of those matters very carefully with counsel and they were being offered on the issue of whether or not any prior activities of Officer Nelson were relevant to the charge against him. Commissioner Keane stated that he

made a decision that two of those, which Ms. Leff referred to in her arguments last week, that two of those matters having to do with uses of batons were relevant on the question of prior similar activities. As to the other remaining material having to do with Officer Nelson's personnel record, nothing in there, in Commissioner Keane's judgment, was relevant to the charge against him. Rather than have it in an open transcript, he sealed that portion of it.

Commissioner Keane stated that in regard to the hearing that he conducted with both counsel and with Officer Nelson, all of that was openly done on the record with the exception of that one portion that was sealed but it's very clear from the transcript of the record that we have a sealed portion.

Commissioner Renne suggested that all the Commission reread the transcript and consider what ought to be considered relevant for purposes of a disciplinary hearing.

Thereafter, the meeting was adjourned at 7:02 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SERGEANT JOE REILLY
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 31, 2005
6:00 p.m.

INGLESIDE DISTRICT
Denman Middle School
241 Oneida Avenue
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)

4. Captain Paul Chignell, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District (DISCUSSION ONLY)

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

6. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 31, 2005
6:00 p.m.

INGLESIDE DISTRICT
James Denman Middle School
241 Oneida Avenue
San Francisco, California

PLEASE NOTE:

1) At a future meeting, the Commission will consider amendments to the Rules and Procedures for Patrol Special Officers and Their Assistants , (amended November 10, 1999) at rule 3.03 I. Please check upcoming agendas for the specific hearing date. The new language to be considered appears below.

I. Annually present evidence of insurance in the following amount:

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2) At a future meeting, the Commission will consider revisions to Department General Orders 3.10, "Firearm Discharge Review Board" and 8.11 "Investigation of Officer Involved Shootings and Discharges". These revisions are posted on the Commission's web page at www.sfgov.org/site/police_index.asp?id=28659. Please check upcoming agendas for the specific hearing date. Copies are also available at the Commission Office during regular business hours.

The Police Commission

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The closest BART Station is: Balboa Park Station

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Personnel of Ingleside Station welcome:

The San Francisco Police Commission Meeting at James Denman Middle School

Come and Join us for The Commission Meeting in our Neighborhood

Wednesday, August 31, 2005
6:00 p.m.

James Denman Middle School
241 Oneida Av. San Francisco, CA 94112

- Free parking available in the James Denman schoolyard on Seneca Av.
- An accessible entrance to the meeting is located on 241 Oneida Av. and through parking lot

Call 404-4000 for further information

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
945
#1
9/7/05
cancelled

NOTICE OF MEETING CANCELLATION FOR WEDNESDAY, SEPTEMBER 7, 2005

Due to large scale civic events taking place at City Hall and in the Civic Center area on the evening of Wednesday, September 7, 2005, the Police Commission will not meet that evening.

Please join the Police Commission at its next regular meeting on Wednesday, September 14, 2005, in Room 400, City Hall.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 14, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. In the matter of Officer Anthony D. Nelson (File No. C04-074 EGF filed 5/11/04): (ACTION ITEM)

   a. Consideration of the recommendation of the Chief of Police regarding discipline.
   b. Discussion and possible action regarding admission of evidence regarding discipline.
   c. Possible evidentiary hearing.
   d. Discussion and possible action to impose discipline.
   e. Adoption of findings.

   The following time limits will apply:
   OCC's Argument: Up to 20 minutes
   Charged Officer's Argument: Up to 20 minutes

3. Hearing and possible action on the motion to dismiss in the disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-105 JWA, filed 7/1/04; C04-113 JWA, filed 7/14/04; C04-126 JWA, filed 7/21/04) under Government Code 3304(d) (ACTION ITEM)

   The following time limits will apply:
   Department's Argument: Up to 20 minutes
   Charged Officer's Argument: Up to 20 minutes

The Commission may decide to consider Items No. 2 and 3, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b), in which case:

a. Public Comment on all matters pertaining to the Closed Session
b. Vote on whether to convene to Closed Session
c. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

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CITY HALL, ROOM 400
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4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Discussion regarding revised Department General Order 3.19, "Complaint Early Warning System" (DISCUSSION ONLY)

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of an Appeal of the Chief's Suspension of Officer Peter W. Schlegle (File No. M-JWA D03-199) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Assignment of disciplinary charges filed against Officer Demarco Foster (File No. C05-109 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

SEPTEMBER 14, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

PUBLIC COMMENT

Cab driver discussed concerns regarding illegal u-turns at 9th and Mission. He also thanked Central Station for keeping parking on weekends on Broadway. He also expressed concern regarding the actions of members of the department.

Andrea O'Leary discussed concerns regarding implementation of leash law policies.

Bill Carlin discussed concerns regarding leash law enforcement policy.

HEARING AND POSSIBLE ACTION ON THE MOTION TO DISMISS IN THE DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NOS. C04-105 JWA, C04-113 JWA, AND C04-126 JWA) UNDER GOVERNMENT CODE 3304(d)

SF
P45
#2
9/14/05

Taken out of order

Commissioner Veronese stated that there is a request to take this item off calendar and also a motion for continuance of the hearing. Commissioner Veronese stated that the motion to continue the hearing is denied and this item, the motion to dismiss, will be continued for next week.

PUBLIC COMMENT
None

Motion by Commissioner Orr-Smith, second by Commissioner Veronese to continue this matter for next week. Approved 7-0.

IN THE MATTER OF OFFICER ANTHONY D. NELSON (FILE NO. C04-074 EGF)

a. Consideration of the recommendation of the Chief of Police regarding discipline.
b. Discussion and possible action regarding admission of evidence regarding discipline.
c. Possible evidentiary hearing.
d. Discussion and possible action to impose discipline.
e. Adoption of findings.

(The Nelson proceedings were taken in shorthand form by Ms. Dawn Sandler, CSR., Roomian & Associates.)

Commissioner Renne asked Commissioners Sparks and Veronese, for the record, if they had the opportunity to review the transcripts and materials. Commissioners Sparks stated that she had the opportunity to review the records. Commissioner Veronese stated that he had reviewed the records.

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Ms. Susan Leff, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Anthony D. Nelson appeared in person and was represented by Mr. Leland Davis, III, Attorney at Law.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Keane, second by Commissioner Marshall to hold Closed Session. Approved 7-0.

Reconvened to Open Session at 7:42 p.m.

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION, PURSUANT TO GOVERNMENT CODE SECTION 54757.1 AND S.F. ADMINISTRATIVE CODE SECTION 67.12(b)

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to disclose decision made in Closed Session. Approved 7-0.

Commissioner Renne announced that in Closed Session, the Commission decided the following:

"We could, if we wished to, consider the use of force logs and/or the mult card in determining penalty. However, the Commission also decided that its decision last week with regard to Charge 2 was that there had been an intentional misrepresentation of the report filed; that the position of the OCC that there was lying was the correct position demonstrated by the record. Therefore, under the circumstances, the Commission does not feel that the use of force logs or the mult card are necessary in any further consideration with regard to penalty.

In light of the fact that the Chief is not here, although that we understand that she has made provisions for decision to be made, but in light of the time, we would like the report on the Chief's recommendation at next week's meeting in light of further amplification, if you will, of what the Commission decided."

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12 (a))

Motion by Commissioner Orr-Smith, second by Commissioner Marshall not to disclose any or all discussions held in Closed Session. Approved 7-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Pengel, for Chief Fong, stated no report.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen stated he will reserve his report for next week.

PUBLIC COMMENT

None

DISCUSSION REGARDING REVISED DEPARTMENT GENERAL ORDER 3.19, "COMPLAINT EARLY WARNING SYSTEM"

Captain Keohane reported that tonight he just wanted to go over the interim General Order 3.19 and that was to provide more timely gathering of materials so that the Department could work with this order while the new order is being prepared. Captain Keohane thanked Commissioner Orr-Smith for attending the meetings.

Captain Keohane announced that he will be presenting on October 5th an update on how the Department is moving forward with the new order. At that time, he will have a policy statement. He will also be reporting at that time with a review of the MIS situation and that will give the Department a better idea of when it will be able to implement the new order in totality.

Captain Keohane stated that he provided copies to the OCC and the POA, asking for their recommendations, and he has also phoned Mr. Schlosberg from the ACLU, for their comments.

Commissioner Renne asked Captain Keohane if he can get back to the Commission by October 5th with at least the parties' reaction and the initial draft. Captain Keohane stated yes.

Commissioner Veronese asked if the Commission can have a draft of the DGO where the department can identify requests from different parties so that the Commission don't have three different drafts to look at. Captain Keohane stated that he will bring those forward on October 5th.

PUBLIC COMMENT

Elizabeth Zitron, member of SF Chapter ACLU, stated that this has been a lengthy process and asked that date certain for the steps in developing a comprehensive proposal for an early warning system be established. She stated that the ACLU has some comments on the revisions. She stated that it appears on Section II.B.2, that it's been change to no longer require forwarding officer complaints to the member's commanding officer; Section II.C.1.A appears to be changed to make performance review for the first referral optional. It says "supervisors shall document through memorandum or conduct a performance review," and that would be a change and those are the changes that she hopes would be discussed among all the parties before they are adopted.

Dennis McNally, ACLU, stated that one of the things that these sort of early warning systems have used nationwide has been a variety of indicators. He stated that for this system to be useful, a broad range of information is needed so that officers can actually benefit.

Commissioner Orr-Smith thanked the members of the ACLU for their comments. She also explained that Captain Keohane has gone to observe some of the software that has been used and available in various departments, and they are researching off the shelf programming that might be adaptable to the Department. She stated that the Commission want the universe of indicators and possibility, whether or not it will be used, but the Department wants that access built in to the software system so that whatever is needed can be retrieved.

COMMISSION ANNOUNCEMENTS

a. **Assignment of an Appeal of the Chief's Suspension of Officer Peter W. Schlegle (File No. M-JWA D03-199) to an individual Commissioner for the taking of evidence on a date to be determined by the Commission.**

b. **Assignment of disciplinary charges filed against Officer Demarco**

Foster (File No. C05-109 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.

Sergeant Reilly announced that the District Meeting will be on September 28th in the Park District, Gratan Elementary School, 165 Gratan Street, at 6:00 p.m.

RESOLUTION NO. 59-05

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER PETER W. SCHLEGLE (FILE NO. M-JWA D03-199)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on the appeal of the Chief's Suspension of Officer Peter W. Schlegle, Star No. 749, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Peter W. Schlegle; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Peter W. Schlegle, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

RESOLUTION NO. 60-05

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER DEMARCO FOSTER (FILE NO. C05-109 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Demarco Foster, Star No. 4204, Planning Division, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Demarco Foster; therefore be it

RESOLVED, that Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Demarco Foster, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Chan would like to know if citation authority can be given to patrol specials in the matter of littering and would like the Command Staff's position with respect to this matter.

Commissioner Sparks asked that the resolution requiring the

Department and the OCC report periodically on the status of general orders and/or policies be put on the calendar for next week. She also asked that the Department and the OCC report on all outstanding unfinished policies and department general orders. She asked that the general order or her resolution be placed on the calendar next week.

Commissioner Renne stated that Commissioner Sparks' resolution will be on the calendar next week.

Director Allen explained about the DGO that Commissioner Sparks' had requested. He stated that it has been forwarded to the Commission Secretary but it was decided that because it was a DGO revision, it has to go before the committee and he will get a copy for Commissioner Sparks.

Motion by Commissioner Chan, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 8:07 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 21, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to impose discipline on sustained disciplinary charge filed against Officer Anthony D. Nelson; adoption of findings (File No. C04-074 EGF filed 5/11/04) (ACTION ITEM)

3. Hearing and possible action on the following motions in the disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-105 JWA, filed 7/1/04; C04-113 JWA, filed 7/14/04; C04-126 JWA, filed 7/21/04):
   (ACTION ITEM)

   a. Motion to continue hearing
   b. Motion for additional discovery

   The following time limits will apply:
   Department's Argument: Up to 20 minutes
   Charged Officer's Argument: Up to 20 minutes

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   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

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5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Review of all outstanding OCC Policy Recommendations and their status

6. Discussion and possible action to adopt revised Department General Order 3.10, "Firearm Discharge Review Board" (ACTION ITEM)

7. Discussion and possible action to adopt revised Department General Order 8.11, "Officer-Involved Shootings and Discharges" (ACTION ITEM)

8. Discussion and possible action regarding Resolution on monthly reports by the OCC on pending policy recommendations and Department General Orders under review and revision (ACTION ITEM)

9. Approval of minutes for the Police Commission meeting of April 6, 2005 (ACTION ITEM)

10. Commission Announcements (DISCUSSION ONLY)

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

***PLEASE NOTE*: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.**

1. The Commission will hold its Community Meeting at the Park District, Grattan Elementary School, 165 Grattan Street (between Cole and Shrader Streets), at 6:00 p.m., on Wednesday, September 28, 2005, to hear comments from the public and Park Station Captain John Ehrlich concerning public protections issues in the Park District.

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SEPTEMBER 21, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Marshall, Veronese

(Commissioner Chan arrived at 8:22 p.m.)

PUBLIC COMMENT

Kevin Martin, POA Vice President, discussed concerns regarding the OCC. He stated that the Association is very concerned about the Bill of Rights not being adhered to on a routine matter or on a routine basis. He presented 1,000 signatures from the POA requesting a hearing regarding the issues that the POA has. He also asked that an investigative body be appointed to audit the OCC as to their policies, procedures, compliance or lack of to their manual, and as a routine practice, lack of adherence to the Peace Officers' Bill of Rights.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, commented on the comments of Kevin Martin. She discussed concerns regarding another shooting of a young man who was shot five times. She also stated that she was disappointed on the ruling of Officer Nelson.

John Evans, POA representative, discussed concerns regarding the OCC. He stated that Kevin Allen informed him that he would not be allowed to represent officers at the OCC because he had threatened an OCC investigator.

Leroy Moore discussed concerns regarding incidents with tasers and talked about the ADA rights.

Jason Sawyer, Tactical Unit and POA representative, asked if there is any rules for the OCC and discussed concerns regarding time lines for the OCC.

Gwen Sacco discussed concerns regarding actions by the police.

Meesha Irizarry, Idriss Stelley Foundation, discussed concerns regarding the Department.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding the Bayview community.

DISCUSSION AND POSSIBLE ACTION TO IMPOSE DISCIPLINE ON SUSTAINED DISCIPLINARY CHARGE FILED AGAINST OFFICER ANTHONY D. NELSON; ADOPTION OF FINDINGS (FILE NO. C04-074 EGF)

Motion by Commissioner Keane, second by Commissioner Veronese to continue this matter to October 5th. Approved 6-0.

HEARING AND POSSIBLE ACTION ON THE FOLLOWING MOTIONS IN THE DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NOS. C04-105 JWA, C04-113 JWA, & C04-126 JWA)

a. Motion to continue hearing
b. Motion for additional discovery

(The entire Lankford proceedings were taken in shorthand form by Ms. Anna C. Greenley, CSR, Roomian & Associates.)

Ms. Eileen Burke, Attorney at Law, was present on behalf on Lieutenant Jerry Lankford.

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Mr. Robert Tronnes, Attorney at Law, was present on behalf of the San Francisco Police Department.

After hearing the arguments from both counsels, the Commission went into Closed Session for deliberation.

Motion by Commissioner Sparks, second by Commissioner Keane to hold Closed Session. Approved 6-0.

PUBLIC COMMENT
None

Reconvene to Open Session:

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSION HELD IN CLOSED SESSION PURSUANT TO S.F. ADMINISTRATIVE CODE SECTION 67.12(a)

Motion by Commissioner Orr-Smith, second by Commissioner Marshall for non disclosure of discussion held in Closed Session. Approved 6-0.

POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION, PURSUANT TO GOVERNMENT CODE SECTION 54757.1 AND S.F. ADMINISTRATIVE CODE SECTION 67.12(b)

Commissioner Renne announced that on the motion to continue the hearing, the Commission has decided to deny the motion to continue the hearing. Approved 6-0.

Commissioner Renne announced that on the motion for additional discover, the Commission will refer that matter to Commissioner Veronese to make the decision. Any and all papers on that motion to be filed no later than noon this Friday.

Motion by Commissioner Orr-Smith, second by Commissioner Keane to refer this item back to Commissioner Veronese with condition that any and all papers due, opposition papers are due on noon on Friday and reply, if one is forthcoming, arrives by close of business that day. Approved 6-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Pengel, for Chief Fong, stated there is no report this evening.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Review of all outstanding OCC Policy Recommendations and their status

Director Allen talked about outstanding OCC Policy Recommendations and their status and presented the general order that's proposed by the OCC and the proposed Department General Order 8.12, which is the death in custody review board order.

Commissioner Sparks stated that it would have been better if the Commission had received the information in enough time to actually review it

before the meeting. Commissioner Sparks stated that she asked for the same report from the Department. Commissioner Sparks asked Director Allen in regards to the pending status on OCC policy recommendations so that the Commission can have the ability to move them along.

Commissioner Renne suggested that this item be continued for two weeks to give the Commission time to read the information provided by Director Allen.

Commissioner Sparks agreed and asked Deputy Chief Parra to forward the Department's document to the Commission in the Commission's Friday packets.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION ON MONTHLY REPORTS BY THE OCC ON PENDING POLICY RECOMMENDATIONS AND DEPARTMENT GENERAL ORDERS UNDER REVIEW AND REVISION

Taken out of order

Commissioner Sparks stated that the resolution was offered and the OCC and ACLU offered comments which suggested that the resolution really covered only half of the problem, the half being the OCC policy recommendations, not the policy recommendations being developed at the Department. Commissioner Sparks stated that the DGO that Director Allen offered as an alternative was intended to include her resolution and the Department's responsibility on reporting as well. Director Allen stated yes, that is correct and it was not only to report on policies that are generated within the Department but Commissioner Sparks' resolution also asked for the tracking of modifications and work that was done on the policies and Director Allen stated that that would be difficult for OCC to do without constant communication between the Department and all the various bureaus and so what the OCC proposed is the OCC's report would show their policies, when they were proposed and modified and that the Department, if they proposed a Department Order, they would report on it and report on any policies submitted by the OCC and how soon the Department would be able to present it to the Commission.

Commissioner Sparks stated that the Commission just received the combination general order tonight and that's the right direction but Commissioner Sparks stated that she doesn't believe that a general order is needed for this and that a resolution would be sufficient. Commissioner Sparks asked that this item be continued for two weeks and she will sit down with the OCC and the Department to come up with a combination resolution which would do both pieces and then present it to the Commission in a couple of weeks.

Commissioner Renne suggested that it be done in three weeks.

PUBLIC COMMENT

Mark Schlosberg, ACLU, thanked Director Allen for submitting the report because this is a very important document. He wanted to highlight some of the important issues: In-custody death protocol; Officer-involved shootings; and, the Thurgood Marshall incident.

Malaika Parker, Bay Area Police Watch, stated that policies should include how public is informed about information.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.10, "FIREARM DISCHARGE REVIEW BOARD"

and

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 8.11, "OFFICER-INVOLVED SHOOTINGS AND DISCHARGES"

Lieutenant Groshong, Legal Division, for Captain Keohane, updated the Commission on the two Department General Orders.

Commissioner Sparks stated a lot of the changes added consistency between the two general orders and that 3.10 is fine. Commissioner Sparks stated that she does have an issue with 8.11. She stated that there was a lot of discussions about whether or not the firearm discharge review board should in fact be the entity that meets to look at officer-involved shootings. Commissioner Sparks had two changes on 8.11. She asked that the second paragraph of #4 on page 5 be restored to its original condition and also take the first sentence of the next paragraph and restore it to its original condition and everything else would stand as written.

Director Allen stated that it is very crucial to have a civilian at those initial discussions and thanked Commissioner Sparks for her comments.

PUBLIC COMMENT

Mark Schlosberg, ACLU, thanked Commissioner Sparks for her comments. He discussed concerns regarding the changes in regards to having a civilian in the firearm discharge review board.

Vincent Harrington, attorney for the POA, stated that he couldn't follow all the changes and requested that it would fair that if there is a substantial revision to reissue the revisions so that it can be properly reviewed by all interested parties. He discussed concerns regarding 3.10.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, discussed concerns regarding the need for an independent review and the need for civilian oversight.

Dennis McNally, ACLU, discussed concerns regarding the police policing itself.

Leroy Moore discussed concerns regarding changes made to the general orders.

Matt Leroy, Bay Area Police Watch, discussed concerns regarding the general orders.

Malaika Parker, Bay Area Police Watch, discussed the need for civilian oversight.

Commissioner Veronese stated he agrees with the changes by Commissioner Sparks.

Commissioner Orr-Smith stated that there are a number of things that the Commission can do and must do and most of them are framed within the orders that are before the Commission tonight. She encouraged the Commissioners to keep in mind the boundaries and the parameters that the City Attorney has outlined for them that they are not neutralizing their capacity to be effective at making decisions in adjudicating the cases that come before them. She stated that the goal is to facilitate the maximum amount of public involvement and access without the Commission neutralizing their impact and power to render decisions in cases

Commissioner Chan joined the meeting at 8:22 p.m.

Motion by Commissioner Marshall, second by Commissioner Keane to adopt General Order 3.10, "Firearm Discharge Review Board," as presented to the Commission this evening. Approved 7-0.

RESOLUTION NO. 61-05

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 3.10, "FIREARM DISCHARGE REVIEW BOARD"

RESOLVED, that the Police Commission adopts revised Department General Order 3.10, "Firearm Discharge Review Board," as stated below:

FIREARM DISCHARGE REVIEW BOARD

This order outlines the functions and responsibilities of the Firearm[1] Discharge Review Board and delineates the procedures for reviewing, investigating, and reporting to the Police Commission, cases in which members discharge a firearm.

I. POLICY

A. DUTIES OF BOARD

It is the policy of the San Francisco Police Department to review every instance in which a firearm is discharged whether or not such discharge results in an injury or death. The Firearm Discharge Review Board shall review every discharge of a firearm by a member.

The purpose of this review process is to ensure that the department is continually reviewing its training, policy and procedures in light of the circumstances that lead to firearm discharges by members and to determine if the discharge was in policy.

The San Francisco Police Department recognizes the public's right to know about this department's use of deadly force. It is the policy of the San Francisco Police Department to provide as much information as possible through this public reporting process while complying with applicable civil and criminal laws and preserving the integrity of ongoing investigations.

B. DEFINITIONS

- Officer-involved shooting.

  An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge.

  An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also fall into this category, including an accidental discharge that does not cause injury.

[1] For the purpose of this order, "firearm" is defined in conformance with California Penal Code Section 12001(b), excluding Extended Range Impact Weapons shall not be considered firearms within the meaning of this order.

C. COMPOSITION

1. The Department Firearm Discharge Review Board shall be composed of:

   - Member of the Police Commission, Advisory
   - Deputy Chief of the Administration Bureau, Chair
   - Deputy Chief of the Field Operations Bureau
   - Deputy Chief of the Airport Bureau
   - Deputy Chief of the Investigations Bureau
   - Range Master, ~~a~~ Advisory
   - Commanding Officer of Risk Management, ~~a~~Advisory
   - Director of the Office of Citizen Complaints (OCC), ~~a~~ Advisory

2. The Police Commission member shall be appointed by the Commission President and serve a one year term. ~~The Range Master and the Commanding Officer of Risk Management shall be excused during the deliberations and voting of the Firearm Discharge Review Board~~.

D. FUNCTION:

Officer Involved Shootings:

1. Within 30 calendar days ~~of a shooting event~~ following receipt of investigatory reports from the Homicide Detail and Management Control Division regarding a shooting event, the Chair of the Department Firearm Discharge Review Board shall convene the panel to determine whether the shooting was within policy. Within ~~60 days of the event~~ 30 days following the first meeting of the Firearm Discharge Review Board, the Chair shall report the status of the matter to the Commission. Within 120 days following the first meeting of the Firearm Discharge Reivew Board the panel shall complete its investigation and issue its findings in accordance with this policy.

2. The Firearm Discharge Review Board shall review written reports submitted by the Homicide Detail - Criminal Investigation, and the Management Control Division - Administrative Investigation. ~~If the report of either unit is not completed, the investigator responsible for the investigation and his/her commanding officer shall appear before the Firearm Discharge Review Board and explain, orally and in writing, the reason for not complying with the time limits of this order.~~

3. The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

4. The Firearm Discharge Review Board shall discuss the circumstances surrounding the shooting event and the response of the officer(s). Within 15 days of completion of the investigation referred to in paragraph I. D.1., the Firearm Discharge Review Board will submit to the Chief of Police, for his/her concurrence, a written summary of its findings on the officer-involved shooting. This summary shall indicate

one of the following findings:

In Policy - The actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate and consistent with department policy.

Not in Policy - The discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.

This finding shall be accompanied by a recommendation for discipline, or a referral to M.C.D. for further investigation. The Firearm Discharge Review Board shall assign a due date for cases found Not in Policy and referred back to MCD for further investigation.

These findings, In Policy, Not In Policy, shall also include a review of applicable department policy, lack of department policy and recommendations for further policy adoptions.

Further Investigation – Matter referred back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.

The Chief shall review for concurrence and forward the Firearm Discharge Review Board's written summary to the Police Commission, with a copy to the OCC Director, within 15 days of receipt. In the event of disagreement between Management Control and the Firearm Discharge Review Board, the Chief of Police shall make the final decision. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

The Director of the O.C.C. shall review the investigation and summary and recommend any further action (including an independent investigation) that the Director concludes is warranted. A summary of the O.C.C. Director's recommendations shall be a public record.

The Police Commission shall review the Firearm Discharge Review Board's summary and the O.C.C. Director's recommendations and take action as appropriate. No report that is made public shall disclose information deemed confidential by law.

Officer Involved Discharges:

At least once during each quarter of the year, the Firearm Discharge Review Board shall convene to review all Officer Involved Discharges investigated by the Commanding Officers of the members involved. The Firearms Discharge Review Board will meet on the 3rd Tuesday of March, June,

September and December to review Officer Involved Discharges that were not addressed in previous meetings during the respective quarter.

The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

These discharges shall be reported to the Commission on a quarterly basis. A summary report will be provided at the 1st Police Commission meeting following the reporting quarter. Police Commissioners shall have complete access to reports.

E. POLICE COMMISSION QUARTERLY REPORT

The Chair of the Firearm Discharge Review Board shall prepare a quarterly report to the Police Commission, and a copy to the Director of the O.C.C., that contains a summary of each Officer-Involved Shooting and Officer-Involved Discharge, any disciplinary action or training recommended, and proposals for modifying department policy. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

In regards to DGO 8.11:

Commissioner Sparks stated that the modification offered by the Department are kind of housekeeping to make sure that the time frames coincided with 3.10. The only changes she would make to 8.11 as written with the modifications by the department would be on page 5, paragraph 4. The first part of paragraph 4 ending with punitive would remain the same. The second paragraphs should be modified to say within 5 business days of an officer-involved shooting, the Firearm Discharge Review Board shall convene a panel to discuss whether it is appropriate for the involved members to return to duty and strike the rest of that. The next paragraph, reinstate the first sentence of the next paragraph.

Commissioner Marshall stated that there was a lot of discussion held in this matter asked the Commission if this can be done right away.

Ms. Molly Stump, City Attorney, stated that this is a policy can be scheduled for another session and that this is a policy matter for the Commission.

Commissioner Sparks stated that her rationale for the amendment is that she still believe from the original discussions with the original City Attorney that there be civilian inclusion in the panel.

Commissioner Chan asked if there is a concern that the panel would address matters specific to the personnel records and specific relationship that the individual who would be the subject matter of the inquiry would necessarily be discussed and that civilians would be privy to material that conceivably constitute confidential information.

Commissioner Sparks stated that the Commission was advised by two city attorneys to this matter and that those issues should be determined in court because in her opinion this is a policy decision and that the Commission has the latitude to make such decisions.

Motion by Commissioner Sparks, second by Commissioner Veronese to approved DGO 8.11 as amended by Commissioner Sparks. Not approved 4-3.

AYES: Commissioners Renne, Sparks, Veronese
NAYS: Commissioners Orr-Smith, Chan, Keane, Marshall

On Department General Order 8.11 as presented to the Commission without amendments. Approved 5-2.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall
NAYS: Commissioners Sparks, Veronese

RESOLUTION NO. 62-05

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 8.11, "INVESTIGATION OF OFFICER-INVOLVED SHOOTINGS AND DISCHARGES"

RESOLVED, that the Police Commission adopts revised Department General Order 8.11, "Investigation of Officer-Involved Shootings and Discharges" as stated below:

INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND DISCHARGES

This order outlines the rules and procedures to be followed in the conduct of all officer-involved shooting and discharge investigations.

I. POLICY

It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

II. PROCEDURES

A. DEFINITIONS:

- Officer-involved shooting. An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge. An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death are investigated in two distinctly separate venues:

1. Criminal Investigations. Investigations to determine if there was criminal conduct on the part of the involved officer(s) are conducted separately by the Homicide Detail and the

Office of the District Attorney.

Officer-involved shootings occurring on San Francisco International Airport property or in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.

2. Administrative Investigation. Investigations to determine if the officer-

involved shooting was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.

If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.

C. <u>OFFICER-INVOLVED SHOOTINGS OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO</u>. As soon as practical after an officer-involved shooting occurring within the City and County of San Francisco, the following notifications shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.

2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).

3. The Field Operations Bureau or the Operations Center shall make the following notifications:

a. The on-call Homicide Inspectors
b. The Crisis Incident Response Team (See DGO 8.04, Crisis Incident Response Team)
c. Management Control Division
d. District Attorney's Office
e. The Commanding Officer of the member(s) involved
f. Chair of the Firearm Discharge Review Board
g. Office of Citizen Complaints
h. San Francisco Police Department Command Staff

i. Legal Division
j. Captain of Risk Management
k. Secretary of the Police Commission

D. OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. However, this investigation shall not exceed 45 days. Officer involved discharges require the following notifications:

1. If practical, the member(s) involved shall contact the platoon commander of the district in which the discharge occurred.

2. The platoon commander shall contact the officer's Commanding Officer.

3. If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.

4. An officer who discharges a firearm in an Officer-Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.

E. OFFICER-INVOLVED SHOOTINGS OR DISCHARGES OCCURRING OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) either while on duty or off duty, he/she shall follow these procedures:

1. Absent exigent circumstances, remain at the scene of the discharge and notify the law enforcement agency.

2. Immediately contact the on duty supervisor in your unit or detail.

3. As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is

assigned, or the Operations Center after normal business hours, and report the incident. The senior-ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer-in-Charge.

F. SCENE. The member who has discharged his/her weapon in an officer involved shooting should limit his/her investigation and activity to the following:

1. When officer safety permits: de-cock, holster, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should not remove the weapon from the holster until directed to do so by the Homicide Detail. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and isolated in a secure location.

   a. Nothing in this order shall preclude a member from taking reasonable actions to provide/ensure officer and/or public safety.

2. As soon as practical, seek medical assistance/ treatment for injured persons.

3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.

4. As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.

5. When an officer-involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.

6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

G. INVOLVED OFFICERS. The following actions will be taken in all cases of officer-involved shootings (resulting in injury or death):

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto the Public Safety Officers' Bill of Rights.

2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one member is involved in the discharging of a firearm, absent

exigent circumstances, the members shall be separated and will be kept separate from one another, and shall not discuss the incident with each other prior to being interviewed by the Homicide Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member's Station or Detail. In all circumstances the member shall be taken to a department facility.

3. Members of the department's C.I.R.T. program may assist the member(s) involved prior to their interview with investigators. However, they shall not discuss the facts or details of the shooting with the member.

4. Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

   Within ~~10~~ 5 business days of an officer-involved shooting, the ~~Chair of the Firearm Discharge Review Board~~ Chief of Police shall convene ~~the~~ a panel to discuss whether it is appropriate for the involved member to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

   ~~Recommendations from this meeting, along with any recommendations made by the officers-in-charge of the Homicide and Behavioral Science Unit, shall be immediately forwarded to the Chief of Police for his/her consideration~~. The Chief, after consulting with the panel shall determine if ~~Upon the Chief's approval, a~~ the member should be returned to their regular field ~~duty~~ assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report shall also be forwarded to the Director of the OCC. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

   ~~This~~ Any determination by the Chief not to return an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

~~6. The Chief shall make a written report to the Police Commission, with a copy to the OCC, of his/her decision of whether or not to return the member to field duty.~~

H. INVESTIGATIONS

1. Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.

2. Officer-involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to review by the Chief of Police.

I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings.

   a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty-five-calendar days of the shooting event. If the criminal investigation report is not completed within forty-five calendar days of the shooting event, the Officer-in-charge of the Homicide Detail shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

   b. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the Firearm Discharge Review Board within sixty-calendar days of the shooting event. If the administrative investigation report is not completed within ***sixty*** calendar days of the shooting event, the Officer-in-charge of the ***Management*** Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

   c. The Firearm Discharge Review Board shall convene within thirty calendar days ~~of the incident~~ of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the ***Firearm*** Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall appear before the Commission at the earliest possible meeting to explain why the report has not been

completed.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall
NAYS: Commissioners Sparks, Veronese

APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETING OF APRIL 6, 2005

Motion by Commissioner Keane, second by Commissioner Veronese to approve the minutes. Approved 7-0.

COMMISSION ANNOUNCEMENTS

District Meeting will be in the Park District on Wednesday, September 28th, at the Grattan Elementary School, 165 Grattan Street, at 6:00 p.m.

Commissioner Veronese stated that he is concerned about some of the comments made in regards to the OCC rules and urged members of the Department to come to the Commission if they have any concerns or if they feel their rights are being violated. Commissioner Veronese also discussed concerns regarding shooting incidents in the city and asked for a presentation in regards to resources in the Department are being used to the best of the Department's ability.

Commissioner Keane asked Sergeant Reilly to report to the public in regards to the in-custody death. Sergeant Reilly deferred to the Department. Deputy Chief Pengel reported that there was an in-custody death last night and the incident is under investigation.

Commissioner Keane stated that it happened in the Bayview and that it was a young black male who was in custody in the Bayview.

Commissioner Renne asked that a letter be addressed to the OCC in regards to information on cases where the statute of limitations may have been blown within the past 12 months and would like to have a report on that to go to the other Commissioners as soon as possible. Secondly, the Director should respond to the charges made this evening (1) they are not following their own time rules with regard to handling of cases. She would like a respond as soon as possible.

Commissioner Sparks would like a copy of the OCC's Rules of Conduct and expressed concerns in regards to comments about an authorized POA representative not being allowed to represent an officer in front of the OCC and that the Commission would like a response from Director Allen.

Motion by Commissioner Orr-Smith, second by Commissioner Keane to adjourn the meeting. Approved 7-0.

Thereafter, the meeting was adjourned at 9:00 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
SEPTEMBER 26, 2005 TO OCTOBER 7, 2005
9:30 a.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

SF
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#1
9/26-
10/7/05
Special

Taking of Evidence by Commissioner Joe Alioto Veronese on Disciplinary Charges filed against Lieutenant Jerry Lankford (File Nos. C04-105 JWA, C04-126 JWA, & C04-113 JWA)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 28, 2005
6:00 p.m.

PARK DISTRICT
Grattan Elementary School
165 Grattan Street (between Cole & Shrader Streets)
San Francisco, California

SF
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#1
9/28/05
c.2

Pledge of Allegiance; Roll Call

1. Hearing and possible action on the Department's motion for additional discovery in the disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-105 JWA)

   Note: *The Commission has referred this motion to the Hearing Officer for decision on September 23, 2005. The motion will be heard by the Commission only if a party appeals the Hearing Officer's decision.*

2. Public Employee Performance Evaluation: Chief of Police (review of findings and decision regarding return of officer to duty following officer-involved shooting, Case No. 05-06)

   The Commission may decide to consider Item 1, in whole or in part, ***and will consider Item 2 in Closed Session*** pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b), in which case:

   a. Public Comment on all matters pertaining to Closed Session
   b. Vote on whether to convene to Closed Session
   c. Reconvene to open session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b)
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

3. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

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PARK DISTRICT
Grattan Elementary School
165 Grattan Street (between Cole & Shrader Streets)
San Francisco, California

5. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of an Appeal of the Chief's Suspension of Officer Matthew R. Cole (File No. M-JWA D03-348) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

6. Captain John Ehrlich, Commanding Officer of Park Station, to address the Commission on Police Activities in the Park District (DISCUSSION ONLY)

7. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

8. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

*** ***SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS.***

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The proceeding will be held at: Grattan Elementary School, 165 Grattan Street

Accessible MUNI lines serving this location is: 37 Corbett, 6 Parnassus, 43 Masonic
For information about MUNI service call 923 6142

The closest BART Station is: N/A

Accessible parking _____

For information about the meeting call 553-1091 **(v) or** 553-9194 **(tty)**

San Francisco Police Commission Meeting in the Park District And BBQ

Come meet your Police Commissioners! This is an opportunity for citizens of the Park District to address the Police Commission on matters of interest and concern. A public comment period will follow!

Hosted by: **Park Police Station**

Where: **Grattan School** 165 Grattan

When: **Wednesday, September 28, 2005**
BBQ at 5:30 PM
Meeting Starts at 6 PM

Parking: On the school yard Disabled Parking in front.

*Free parking will be available behind the Kezar Gym. Turn into the access road from Stanyan Street located on the Northeastern side of the gym.

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9/28/05

SEPTEMBER 28, 2005 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Park District, at the Grattan School, 165 Grattan Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioner Renne, Orr-Smith, Chan, Sparks, Marshall, Veronese
ABSENT: Commissioner Keane

Commissioner Renne thanked Captain Ehrlich and his staff for the barbeque before the meeting.

Commissioner Renne asked the Commissioners to introduced themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Taken out of order.

Chief Fong welcomed the audience and introduced the Command Staff that are present. Present were Deputy Chief Tabak, Acting Deputy Chief Shinn, Commander Craig, Acting Commander Tacchini, and Commander Harper.

CAPTAIN JOHN EHRLICH, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Ehrlich, commanding officer of Park Station, addressed the Commission on police activities in the Park District.

Commissioner Sparks asked about discussion with CBOs. Captain Ehrlich explained and stated that the Western Addition beats have come out of discussions with the people in the King Garvey Complex and the merchants on Haight Street and lower Haight. He also stated that he has his officer spend time in those areas.

Commissioner Sparks asked about staffing at the station. Captain Ehrlich stated that more is better as far as staffing. He stated that he would like to have more beat officers and more people in the Western Addition. He also stated that Park is not as busy as the other stations and to say what's optimal for staffing it would be any number more that there is now.

Commissioner Marshall asked about the gangs in the Western Addition. Captain Ehrlich stated that in the King Garvey it is the Knock out Posse which is from Steiner to Pierce, Ellis to Turk. In Pitts Plaza, from Pierce to Scott, it is Up the Hill, and from Scott to Divisadero is Chopa City and Uptown and Downtown are brand new names that are coming up.

Commissioner Chan asked about the burglary statistics. Captain Ehrlich stated that that information was circulated in the newsletters. Captain Ehrlich stated that there were burglary arrests made. He also stated that information was put out to the community on how to safeguard their homes.

Commissioner Chan asked about the police working with the housing authority. Captain Ehrlich stated that the relationship is generally good. The Pitts Plaza has undergone a management change and he stated that the relationship has not been as frequent as he would like.

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Commissioner Chan asked about graffiti. Captain Ehrlich stated that the Haight Street in particular attracts people from around the world to do graffiti. He stated that it is frustrating and in the newsletter he lets the community know and that he has people on different blocks that take care of their blocks.

Commissioner Chan asked about emergency preparedness in the Park District. Captain Ehrlich explained that because of the five hospitals in the district, the district is relatively in better shape.

Commissioner Renne asked if the officers have been through a drill in case of an emergency. Captain Ehrlich stated that emergency cards have been handed to the officers and stated that the officers in general know where they are likely to be in an event they cannot use the bridges.

Commissioner Sparks asked if Captain Ehrlich works with the hospitals on evacuation plans. Captain Ehrlich stated the he does not have the evacuation plan for the hospitals but as time goes on they are re-evaluating all the procedures now like trying to get more blueprints and he has asked his terrorism liaison officer to get blueprints and procedures for the various locations. Two of the hospitals are under different jurisdictions: UCSF is under the UCSF Police Department and Laguna Honda is under the Sheriffs' Department but the Department will support them with resources if needed.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Taken out of order.

Ms. Susan Leff, for Director Allen who is out of town. She stated that she volunteered tonight because that Park is her community. She thanked Captain Ehrlich for his presentation and his report. She stated the her contact with the officers at Park has been very professional and that she is extremely proud of her community. Ms. Leff went on to explain the function and the responsibilities of the OCC.

PUBLIC COMMENT

Taken out of order.

Quentin Matthew, Safety Network Program, gave an outline of the program. They are funded by the Mayor's Criminal Justice Program and are partners with the Police Department.

Supervisor Ross Mirkirimi welcomed the Commission to District Park. He commended Park Station for the barbeque. He asked that in the Commission's agenda a report from the supervisor be included. Supervisor Mirkirimi addressed concerns regarding crime in the Park District and the issue of community policing. He addressed concerns in rotations of Captain and review of district boundaries. He also addressed concerns regarding morale in the Police Department and stated that the rank and file should hear from the Supervisors and from the Mayor. He stated that the district needs to be safe, the police needs to be supported and he wants to make sure that they have the kind of environment that everybody enjoys and that they can live without fear of violence.

Marci, works at UC and lives on Stanyan, asked about retired vehicles to deter crime and if San Francisco has tried that.

Andrea O'Leary passed out the final draft of the Rec and Park Department's policy for enforcing rules which regulate dogs in parks. She discussed enforcement in parks.

Kyle Peterson, Safety Network Program community organizer for Park District, discussed the program and discussed current projects that he is working on.

Richard McGary, chair of the Steering Committee of the Buena Vista Neighborhood Association, asked for continued support of Chief Fong and support of Park Station.

Divisadero Street merchant discussed concerns in regards to boundaries of Park and Northern District. He also thanked the Park Station officers.

Matt Lero, Bay Area Police Watch, asked that Commission meetings be announced publicly.

Unidentified discussed concerns regarding the leash laws.

Sally Stevens discussed concerns regarding the leash laws and stated that Park Station has the District 5 Dogs organization.

Unidentified discussed concerns regarding district boundaries and asked for more officers to do traffic enforcement.

Pat Nathan discussed concerns regarding staffing.

Commissioner Veronese asked Captain Ehrlich if he uses the crime mapping information in the deployment of his officers. Captain Ehrlich stated that yes, he does. He runs up crime maps and post them.

Commissioner Veronese addressed the Chief and commended her and the Department for a job well done last weekend. Commissioner Veronese addressed concerns regarding staffing. Commissioner Veronese asked the Chief to report back to the Commission next week in regards to how many positions that exists around the Department that could be otherwise used by non-peace officers.

Chief Fong stated that she would like to review the data and explained that the officers do work a 4/10 schedule and they work 4 10-hour days and they are on 7-day rotations. She stated that she will review the data and will report back to the Commission next week.

COMMISSION ANNOUNCEMENTS

a. Assignment of an Appeal of the Chief's Suspension of Officer Matthew R. Cole (File No. M-JWA D03-348) to an individual Commission for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 63-05

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER MATTHEW R. COLE (FILE NO. M-JWA D03-348)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on the appeal of the Chief's Suspension of Officer Matthew R. Cole, Star No. 206, was called it having been set for this date; and

WHEREAS, Commissioner Peter Keane is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Matthew R. Cole; therefore be it

RESOLVED, that Commissioner Peter Keane is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Matthew R. Cole, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Marshall, Sparks, Veronese

ABSENT: Commissioner Keane

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese discussed concerns regarding the employment of POA President Gary Delagnes and stated that Gary Delagnes has been on the payroll of the police department for over a year at a rate close to $100,000 a year. He stated that he doesn't think that this is appropriate. Commissioner Veronese would like the Commission to instruct the City Attorney to look into possible claims of misappropriations of city funds and look for possible remedies such as restitution of the funds that were paid to Sergeant/Inspector Delagnes while he was operating as a full time employee of the Police Department while acting in the capacity of a full time employee of the Police Officers' Association.

Commissioner Chan asked for financial figures as to the goals of the Department in order to proceed with civilianization and what must the Board of Supervisors do in order to appropriate the resources necessary to implement that.

PUBLIC COMMENT

None

HEARING AND POSSIBLE ACTION ON THE DEPARTMENT'S MOTION FOR ADDITIONAL DISCOVERY IN THE DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NO. C04-105 JWA)

Note: The Commission has referred this motion to the Hearing Officer for decision on September 23, 2005. The motion will be heard by the Commission only if a party appeals the Hearing Officer's decision.

PUBLIC EMPLOYEE PERFORMANCE: CHIEF OF POLICE (REVIEW OF FINDINGS AND DECISION REGARDING RETURN OF OFFICER TO DUTY FOLLOWING OFFICER-INVOLVED SHOOTING, CASE NO. 05-06)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO CONVENE TO CLOSED SESSION

Motion by Commissioner Orr-Smith, second by Commissioner Marshall to go into closed session. Approved 6-0.

RECONVENE TO OPEN SESSION

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSIONS HELD IN CLOSED SESSION PURSUANT TO S.F. ADMINISTRATIVE CODE SECTION 67.12(a)

Motion by Commissioner Chan, second by Commissioner Orr-Smith for non disclosure of discussions held in Closed Session. Approved 6-0.

Motion by Commissioner Veronese, second by Commissioner Marshall to continue the Lankford matter for next week. Approved 6-0.

Motion by Commissioner Chan, second by Commissioner Orr-Smith to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 9:10 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 5, 2005
5:30 p.m.

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#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to impose discipline on sustained disciplinary charge filed against Officer Anthony D. Nelson; adoption of findings (File No. C04-074 EGF filed 5/11/04) (ACTION ITEM)

3. Hearing and possible action on the Department's motion for additional discovery in the disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-105 JWA)

   Note: The Commission has referred this motion to the Hearing Officer for decision on September 23, 2005. The motion will be heard by the Commission only if a party appeals the Hearing Officer's decision.

The Commission may decide to consider Items No. 2 and 3, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b), in which case:

a. Public Comment on all matters pertaining to the Closed Session
b. Vote on whether to convene to Closed Session
c. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Quarterly report on Officer-Involved Discharges

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload
   c. Presentation regarding 3304 cases from year 2000 to 2005

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 5, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Approval of the Consent Calendar (ACTION ITEM)
   a. Request for approval to accept a donation of $100.00 from Ms. Rosemary M. Peters to the San Francisco Police Department

7. Presentation of the Quarterly Report - Provision of Documents to the Office of Citizen Complaints (April - June 2005) (DISCUSSION ONLY)

8. Approval of the request of the Chief of Police to apply for, accept and expend funds from the California Department of Boating and Waterways to implement the Boating Safety and Enforcement Equipment Program (ACTION ITEM)

9. Discussion regarding revised Department General Order 3.19, "Complaint Early Warning & Early Intervention System" (DISCUSSION ONLY)

10. Approval of minutes for the meetings of April 27, 2005, May 4, 2005, and May 11, 2005 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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47 Van Ness, 5 Fulton, 31 Balboa
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 12, 2005
5:30 p.m.

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San Francisco, California

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Pledge of Allegiance; Roll Call.

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1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed against retired Officer Ricky E. Shaddox (File Nos. C04-097 JWA, C05-054 JCT, and C05-055 JCT). Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future. (ACTION ITEM)

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on the Department's Arson Unit

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload
   c. Presentation regarding 3304 cases from year 2000 to 2005

5. Presentation of the Quarterly Report - Provision of Documents to the Office of Citizen Complaints (April - June 2005) (DISCUSSION ONLY)

6. Discussion regarding revised Department General Order 3.19, "Complaint Early Warning & Early Intervention System" (DISCUSSION ONLY)

7. Discussion and possible action to adopt revised Department General Order 5.09, "Absentia Booking and Prisoner Security" (ACTION ITEM)

8. Approval of minutes for the meeting of May 18, 2005 (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 12, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. Commission Announcements (DISCUSSION ONLY)

10. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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(Chapter 67 of the San Francisco Administrative Code)

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
THURSDAY, OCTOBER 13, 2005
9:30 a.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

5
/13/05
pecial

Taking of Evidence by Commissioner Joe Alioto Veronese on Disciplinary Charges filed against Lieutenant Jerry Lankford (File Nos. C04-105 JWA, C04-126 JWA, & C04-113 JWA)

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The Police Commission

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JOE VERONESE
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 19, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

5

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

19/05

2. Approval of the Consent Calendar
   a. Request for approval to accept donation of a Browning 380 cal. from Consul Mituyuki Ohura of the Japanese Consulate to be added to the Police Collection at the Police Range

The Commission may decide to consider Item No. 3, in whole or in part, in closed session pursuant to Government Code section 54957 and S.F. Administrative Code Section 67.(b). In which case:

a. Public Comment on all matters pertaining to the closed session.
b. Reconvene to open session:
   i. Vote whether to disclose any or all of the discussion held in closed session pursuant to S.F. Administrative Code section 67.12(a).

3. Hearing on Motion to Dismiss Disciplinary Charges

   Discussion and possible action to grant or deny motion to dismiss disciplinary charges filed against Officer James O'Malley (File No. C05-056), Officer Timothy Paine (File No. C05-057), Officer Ferdinand Dimapasoc (File No. C05-058), and Officer Owen Sweeney, III (File No. C05-059) under Government Code 3304(d) (ACTION ITEM)

   The following time limits will apply:
   Charged officers' opening argument: up to twenty (20) minutes
   OCC's opening argument: up to twenty (20) minutes
   Charged officers' closing arguments: ten (10) minutes

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 19, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Approval of minutes for the Police Commission meeting of May 25, 2005 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
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San Francisco, California

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[illegible] SAN FRANCISCO, CA 94103-1603 (415) 553-1667 FAX (415) 553-1669

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Accessible parking _____

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission will not meet on Wednesday, October 26, 2005.

Please join the Commission at its next meeting on Wednesday, November 2, 2005, at 5:30 p.m., in Room 400, at City Hall.

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 2, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Approval of the Consent Calendar (ACTION ITEM)
   a. Request approval to accept donation of a Dell laptop computer, valued at approximately $2,000, from the Walgreens Corporation, for use of the Retail Theft Unit

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on Identity Theft Investigation, Education, & Prevention

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of the OCC's 3rd Quarter Early Warning System Report
   c. Presentation of the OCC's 2nd Quarter Statistical Report

5. Approval of the Awards Committee's Recommendations (ACTION ITEM)

6. Request of the Chief of Police for approval to accept and expend funds from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) to implement the "Secure Ours Schools Program" (ACTION ITEM)

7. Discussion and possible action to adopt revised Department General Order 5.09, "Absentia Booking and Prisoner Security" (ACTION ITEM)

8. Discussion and possible action to adopt revised Department General Order 3.19, "Complaint Early Warning System" (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 2, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. Approval of minutes for the meeting of June 15, 2005(ACTION ITEM)

10. Commission Announcements (DISCUSSION ONLY)

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
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San Francisco, California

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Accessible parking _____

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 9, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Update on OIS 05-05 and OIS 06-05 per Department General Order 8.11
   c. Report on Robbery prevention and investigation
   d. Update on MUNI related incidents

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of 3rd Quarter Statistical Report

4. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of an Appeal of the Chief's Suspension of Officer Martha D. Fabiani (File No. C04-039 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

5. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will hold a Special Meeting this month at a location other than City Hall.

1. The Commission will not meet on Wednesday, November 23, 2005

2. The Commission will hold its Community Meeting at the Richmond District, Jewish Community Center, 3200 California Street (at Presidio), at 6:00 p.m., on Wednesday, November 30, 2005, to hear comments from the public and Richmond Station Captain Sandra Tong concerning public protections issues in the Richmond District.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 16, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Consideration and possible action regarding the request of the Chief of Police to withdraw disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA) and Sergeant Robert R. Bohanan (File No. C04-161 JWA) (ACTION ITEM)

3. Discussion and possible action to adopt decision denying Motion for Dismissal of Disciplinary Charges filed against Officer James O'Malley (File No. C05-056), Officer Timothy Paine (File No. C05-057), Officer Ferdinand Dimapasoc (File No. C05-058), and Officer Owen Sweeney, III (File No. C05-059) under Government Code 3304(d) (ACTION ITEM)

   The Commission may decide to consider Items #2 and #3 in whole or in part in Closed Session pursuant to Government Code sections 54956.9 [conference with legal counsel, existing litigation: *Rapagnani v. City and County of San Francisco,* C05-2099] and 54957(b)(1), and S.F. Administrative Code sections 67.10(b) and 67.10(d), in which case:

   a. Public Comment on all matters pertaining to the Closed Session
   b. Vote on whether to convene to Closed Session
   c. Reconvene to open session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Update on the Department's Staffing

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Update on the OCC's Mediation Program

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The Police Commission

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GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 16, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Discussion and possible action to amend Rule 3.03(I) of the Rules and Procedures for Patrol Special Officers and their Assistants (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will not meet on Wednesday, November 23, 2005.

2. The Commission will hold its Community Meeting at the Richmond District, Jewish Community Center, 3200 California Street (at Presidio), at 6:00 p.m., on Wednesday, November 30, 2005, to hear comments from the public and Richmond Station Captain Sandra Tong concerning public protections issues in the Richmond District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

November 17, 2005

11-18-05A11:52 RCVD

45
1
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cancelled

In observance of the
Thanksgiving Day Holiday
The Police Commission will not meet on
Wednesday, November 23, 2005

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The Police Commission is scheduled to hold a
Community Meeting
in the Richmond District on
Wednesday, November 30th, 2005, 6:00 p.m.
at the
Jewish Community Center
3200 California St. (at Presidio)
San Francisco

The next regular Police Commission Meeting
is scheduled for
Wednesday, December 7th, 2005, 5:30 p.m.
Room 400, City Hall

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 30, 2005
6:00 p.m.

RICHMOND DISTRICT
Jewish Community Center
3200 California Street (at Presidio)
San Francisco, California

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1-23-05A1[illegible]

Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer John Torrise (File No. C05-137 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

4. Captain Sandra Tong, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District (DISCUSSION ONLY)

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

6. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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The proceeding will be held at: Jewish Community Center, 3200 California Street

Accessible MUNI lines serving this location is: #1 California, #43 Masonic, #3 Jackson
For information about MUNI service call 923 6142

The closest BART Station is: n/a

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

You are cordially invited to attend the

Police Commission Meeting in the Richmond District

Wednesday, November 30th

6:00 p.m.

The Jewish Community Center is graciously hosting this meeting at 3200 California Street (cross of Presidio)

(Paid parking is available on site, enter on California St.)

Don't miss this opportunity to meet the Police Commissioners, Chief Heather Fong and the SFPD Command Staff. Captain Tong will give a brief district overview and you will have a chance to address the Police Commission during public comment.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2005
5:30 p.m.

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CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Consideration and possible action regarding the request of the Chief of Police to withdraw disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA) and Sergeant Robert R. Bohanan (File No. C04-161 JWA) (ACTION ITEM)

7/05

3. Public Employee Performance Evaluation: Chief of Police (review of findings and decision regarding return of officer to duty following officer-involved shooting, Case No. 05-07)

4. Conference with Legal Counsel - Anticipated Litigation
   Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9
   (Number of potential cases - 1)

The Commission may decide to consider Item #2 in whole or in part, ***and will consider Items #3 and #4 in Closed Session*** pursuant to:

For Item #2: Government Code sections 54956.9(a) [conference with legal counsel, existing litigation: *Rapagnani v. City and County of San Francisco,* C05-2099] and 54957(b)(1), and S.F. Administrative Code sections 67.10(b) and 67.10(d);

For Item #3: Government Code section 54957(b)(1), and S.F. Administrative Code section 67.10(b);

For Item #4: Government Code section 54956.9 and S.F. Administrative Code section 67.10(d); in which case:

a. Public Comment on all matters pertaining to the Closed Session
b. Vote on whether to convene to Closed Session
c. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

The Police Commission

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JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2005
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on pending Policy Recommendations
   c. Report on OCC Best Practices

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of an Appeal of the Chief's Suspension of Officer Mario Defina (File No. M-JCT-D05-089, OCC #0422-04) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

   b. Assignment of an Appeal of the Chief's Suspension of Officer Steven Maionchi (File No. DRA D05-029, MCD A160-05) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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The closest BART Station is: Civic Center

Accessible parking _____

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA

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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

REGULAR MEETING
WEDNESDAY, DECEMBER 14, 2005
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Consideration and possible action regarding the request of the Chief of Police to withdraw disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA), Sergeant Robert R. Bohanan (File No. C04-161 JWA) and Sergeant Reno Rapagnani (retired) (File No. C04-159 JWA) (ACTION ITEM)

   The Commission may decide to consider Item #1, in whole or in part, ***in Closed Session*** pursuant to: Government Code sections 54956.9(a) [conference with legal counsel, existing litigation: *Rapagnani v. City and County of San Francisco,* C05-2099] and 54957(b)(1), and S.F. Administrative Code sections 67.10(b) and 67.10(d), in which case:

   a. Public Comment on all matters pertaining to the Closed Session
   b. Vote on whether to convene to Closed Session
   c. Reconvene to open session:
      i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
      ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

2. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Status Report on current OCC cases and OCC investigators' caseload

5. Approval of minutes for the meeting of June 22, 2005 and June 29, 2005 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2005
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Approval of minutes for the meeting of July 6, 2005 (ACTION ITEM)

5. Commission Announcements (DISCUSSION ONLY)

6. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission will not meet on Wednesday, December 28, 2005.

Please join the Commission at its next meeting on Wednesday, January 4, 2006, at 5:30 p.m., in Room 400, at City Hall.

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